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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1395397-0
Total Deleted Page(s) = 23
Page 55 ~ b3; b6; b7C;
Page 67 ~ b6; b7C; OTHER;
Page 68 ~ b6; b7C; OTHER;
Page 69 ~ b6; b7C; OTHER;
Page 72 ~ b6; b7C;
Page 73 ~ b6; b7C; OTHER;
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Page 81 ~ b6; b7C; OTHER;
Page 95 ~ Duplicate;
Page 96 ~ Duplicate;
Page 117 ~ b3;
Page 118 ~ b3;
Page 119 ~ b3;
Page 120 ~ b3;
Page 122 ~ b3; b6; b7C;
Page 130 ~ b6; b7C;
Page 131 ~ b6; b7C;
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Assistant Attorney General Criminal Division

April 18, 1975

Director, FBI

62-112989

DAVID DELLINGER, et al. v. JOHN N. MITCHELL, et al. (U.S.D.C., D.C.) CIVIL ACTION NO. 1768-69

1 -	Mr.	Wannall'
1		
2 -	Mr.	Mintz

By memorandum dated July 24, 1974, I advised that our Los Angeles Office had 19,600 pages of logs and transcripts but no tapes concerning this matter. This Office has now advised that these figures should be revised to indicate that they have approximately 60,000 pages of logs and transcripts and 3,655 tapes concerning this matter.

1 - Los Angeles (176-79B)

62-112989

NOTE: Based on Los Angeles airtel to the Bureau dated 4 captioned as above.

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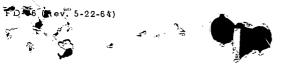
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Comp. Syst. Ext. Affairs ____

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		bate: 4/9/75
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W:-	AIRTEL	,
ν1α	,	(Priority)
HEREIN STATES ASSISTED	TO: FROM: SUBJECT SOLO SOLO MITCHE Rights Where During techni Panthe Califo was to in rev which primar of ear	DIRECTOR, FBI (62-112989) ATTN: LEGAL COUNTED SECTION SAC, LOS ANGELES (176-79B) T: DAVID T. DELLINGER, ET AL vs. JOHN M. MITCHELL, ET AL (USDC, DC) CIVIL ACTION 1768-69 Re Los Angeles nitel dated 4/7/75 and Los Angeles and letterhead memorandum dated 6/13/74, captioned T. DELLINGER, Et Al, vs Attorney General JOHN M. ELL, Et Al, Alleged Violation of Constitutional (Attention: Intelligence Division, Section CI-3)." On 4/8/75, American Civil American Civil Sies Union Attorney, came to the Los Angeles Office he remained for a period of approximately one hour. This period made a cursory review of Cal logs pertaining to installations at various Black of Party (BPP) Headquarters located in the Los Angeles, rnia, area. The purpose of visit ostensibly make a determination as to the extent of time involved riewing logs, memoranda and tapes concerning the BPP were maintained by the Los Angeles Office. Ty concern appeared to be centered around the period Ty or mid-1969.
	2 - Lo (1 TC/jla (4)	cc:Mr Miniz
	Thereo f	6 AAC Criminal Div 5-12-1975 4/18/75 0000 South Only Set 1975
	Approved:	Special Agent in Charge \$\text{Special Figure 1.069 O - 346-090 (11)}} \[\text{Special Figure 1.069 O - 346-090 (11)}}

LA 176-79B

During the course of conversation with it was indicated to him that tapes pertaining to respective technical logs had been destroyed. (During June 1974, a survey was made by personnel of the Los Angeles Office to locate these tapes with negative results and it was assumed at that time that they had been destroyed.) Stimulated by a remark made by to the effect that he had replayed tapes made available to him by the San Francisco Office, that office was telphonically contacted and statement was confirmed. Subsequently, a painstaking search of the Los Angeles Office resulted in these tapes being located in a specially designated area apart from other evidence. At about 4:30 pm, 4/8/75, SAC JAMES L. STARTZELL endeavored to contact in order to rectify the

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It should be noted in above-referenced airtel and letterhead memorandum dated 6/13/74, in answer to Interrogatory Number Six, Item A, it was stated that the tapes were not available. This statement should be corrected to note that the tapes are, in fact, available Also, in the same Interrogatory, it was pointed out that an estimate of approximately 9,650 pages of logs and close to another 10,000 pages of transcripts and/or other records and memoranda relating to the surveillance would be available for review. These figures should be revised to indicate that approximately 15,000 pages of logs are available and approximately 45,000 pages of related transcripts and/or other records and memoranda are available for review.

indicated that he would returning to the Los Angeles Office, probably with other help, on the morning of 4/15/75.

the Los Angeles Off Morning of 4/15/75.

_ 2* -

Date of Mail	4/29/75	

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/82 BY A Signature 2-9-9-3 (048 b) cm/3°C 3158 2-8

Subject _____ JUNE MAIL DAVID DELLINGER

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Dep. AD Adm. _

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Admin. ____ Comp. Syst. Ext. Affairs

Intell. ____

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In this civil action certain of the plaintiffs were incidentally overheard as the result of national security electronic surveillances and they seek money damages. The Department has provided plaintiffs with copies of authorizations and reauthorizations signed by the Attorney General, certain Departmental policy memoranda relating to national security electronic surveillances, and certain internal Bureau memoranda relating to electronic surveillances of the W.E.B. DuBois Clubs of Americal the Black Panther Party, the White Panther Party, Students for a Democratic Society, Bayard Rustin,

Nathan Schwerner.

On 4-15-75 a subpoena in this action, directed to
Assistant Director John A. Mintz, was delivered to the Washington
Field Office. It commanded Mr. Mintz to appear and give testimony
concerning this action at 2:00 p.m., 5-8-75, in the office of
National Press Building, Washington, D. C. The subpoena,
however, failed to reflect the scope or subject matter of the testimony
desired.

On 4-24-75, Edward S. Christenbury, Criminal Division, advised that in addition to Mr. Mintz, counsel for plaintiffs during April and May, 1975, will depose a retired Special Agent of the Bureau; Robert C. Mardian and Daniel J. McAuliffe, former Departmental officials; and Kevin J. Maroney and John L. Martin, present officials of the Department. Counsel for plaintiffs

- 1 Mr. Adams
- 1 Mr. Wannall
- 2 Mr. Mintz
- 1 -

REC 17

47 MAY 14 1975

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Memorandum to Mr. J. B. Adams Re: David Dellinger, et al., v. John N. Mitchell, et al. (D. D. C.), Civil Action No. 1768-69

has also communicated to Mr. Christenbury concerning the scope of testimony desired from the above individuals. Generally, plaintiffs are seeking any information concerning warrantless electronic surveillance during the period January, 1967, through December, 1972. The Department feels the depositions will give the Government an opportunity to put the national security surveillances in question in the best light.

On 5-8-75 Mr. Christenbury furnished this Division a copy of a telegraphic message from John C. Keeney, Acting Assistant Attorney General, Criminal Division, directed to Assistant Director Mintz. The communication authorizes Mr. Mintz to testify, to the extent of his personal knowledge, to the following:

- 1) Departmental and Bureau policies and practices relating to the initiation, continuation and termination of the above electronic surveillances and surveillances of the plaintiffs, including records kept, the receipt, evaluation and dissemination of the contents of such surveillances, and the monitoring of the use of such surveillances, including minimization of overhearings;
- 2) The evaluation of the information obtained from such surveillances;
- 3) The development of and the basis for the Department's legal position with regard to the lawfulness of such surveillances, as well as any exparte communications with the court in this regard;
- 4) The relationship between the Department or the Bureau and the telephone company with regard to such surveillances;
- 5) The Department's position with regard to the indemnification of Government officials sued for conducting electronic surveillances and the authority of the Department to furnish legal counsel to Government officials so sued; and



Memorandum to Mr. J. B. Adams

Re: David Dellinger, et al., v.

John N. Mitchell, et al.

(D. D. C.), Civil Action No. 1768-69

6) The Intelligence Evaluation Committee to the extent such information relates to the plaintiffs herein or the above surveillances.

RECOMMENDATION:

For information.

I will aftend at 2pm. today.

PLM

- 3 -

United States District Court

For the Bistrict of Columbia

DELLINGER, et al.	
Plainti	······································
vs.	CIVIL ACTION No. 1768-69
MITCHELL, et al.	
Defendar	at.
Mr John A Mints Aggt Ion	-1. Comma-1
To: Mr. John A. Mintz, Asst. Leg Federal Bureau of Investigat	ion
Washington, D. C.	
YOU ARE HEREBY COMMANDED to appear in	(*hix xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Suite 430, National Press Bu Washington, D. C.	ilding, 14th & F Streets, NW,)
· · · · · · · · · · · · · · · · · · ·	the8th_ day ofMay, 19 75
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at2 o'clock P. m. (and bring with you)	
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and do not depart without leave.	
A	James F. Davey, Clerk
	By Selection
	Deputy Clerk.
Date April 14, 1975	
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Morton Stavis	
Attorney for X Defendant	A production of the second
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Summoned the above-named witness by delifor one day's attendance and mileage allowed by	ivering a copy to be and tendering to h the fees law, on the
19, at	VIIIM MANIMACIN
,	
Dated	
And the second of the second o	
Subscribed and sworn to before me, a	this day of
, 19	

Note.—Affidavit required only if service is made by a person other than a U.S. Marshal or his deputy.

Temorandum

TO

Mr. J. B. Adams

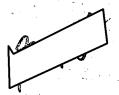
DATE: 5/9/75

FROM

Legal Counsel

SUBJECT:

DAVID DELLÍNGER, et al. v. JOHN N. MITCHELL, et al. (D, D, C_{\bullet}) CIVIL ACTION NO. 1768-69



Intell. Laboratory Plan. & Eval Director Se

Assoc. Dir. Dep. AD Adm. _

Dep. AD Inv. Asst. Dir.; Comp. Syst. Ext. Affairs

Files & Com.

In this civil action certain of the plaintiffs were incidentally overheard as the result of national security electronic surveillances, and they seek money damages. By memorandum dated 5/8/75, I advised that on 4/15/75, a subpoena was received which commanded me to give testimony concerning this action and that on 5/8/75, I received authority from the Assistant Attorney General, Criminal Division, to be deposed.

b6 b7C

On 5/8/75, at 2:30 p.m., I, accompanied by SA of this Division and Edward S. Christenbury and Jonathan B. Smith of the Criminal Division, appeared at the office of National Press Building, Washington, D. C. Counsel for plaintiffs in this action, Morton Stavis, who was assisted by four Rutgers University law students, generally asked questions pertaining to warrantless electronic surveillance. Information was furnished to the extent of my personal knowledge prior to 2/71. Concerning my knowledge from 2/71, to the present, that is, the period of my assignment to the FBI's Legal Counsel Division, however, no information was furnished, and the attorney—client privilege was invoked.

62-112989

1 - Mr. Adams

1 - Mr. Wannall

2 - Mr. Mintz

EX-101 REG 17

MAY 14 1975

CONTINUED -OVER-

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Memorandum to Mr. J. B. Adams Re: David Dellinger, et al. v. John N. Mitchell, et al., etc.

In order to obtain testimony concerning my knowledge for the period 2/71, to the present, plaintiffs must obtain a court order compelling me to testify. The Department has indicated that it will stand fast and defend vigorously the assertion of this privilege.

Attorneys in this Division must preserve the confidences and secrets of our clients, Bureau officials and FBI personnel. If we are compelled to testify concerning the confidences of these individuals they will be unable to come to us with the assurance that the usual lawyer-client relationship will prevail and thus they will be less willing to seek our advice. Operational personnel might then make decisions without the advice of legal counsel and the public interest could be damaged in a substantial way.

RECOMMENDATION:

None. For information.

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JOA

OF	(6) 5-22-64)	ALON TO A
	FBI	
K	Date: 4-29-75	, e,
Tro	insmit the following in(Type in plaintext or code)	
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	TO: DIRECTOR, FBI (62-112989 HEREIN IS UNCLAS	CONTAINED
	FROM: SAC, CLEVELAND (66-5396) DATE 1/4/82 RY ON	5 yg/vp
:	DAVID DELLINGER, et al., v. JOHN N. MITCHELL, et al. (U.S.D.C., D.C.) CIVIL ACTION NO. 1768-69 BUDED: 4-30-75	DKm 100
	Re Bureau airtel, 4-24-75.	
	Enclosed for the Bureau are five (5) copie LHM as requested in re airtel.	s of an
(Ja	Cleveland notes that info in Appendix A re to ABBOTT H. HOFFMAN indicates HOFFMAN was overheard 4-13-70 at 718 Stow Street, Kent, Ohio. The date of overhearing shouldbe 4-13-71.	on
j.	WAJO 2 - Bureau (Enc. 5) (RM) 2 - Cleveland (1-100-31175)	320
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12 AAG, C	ITM helath	
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i.	Approved: Special Agent in Charge U.S. Government Printing Office 1	



In Reply, Please Refer to File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Cleveland, Ohio April 29, 1975

DAVID DELLINGER, et al., v. JOHN N. MITCHELL et al. (U.S.D.C., D.C.) CIVIL ACTION NO. 1768-69

The following information is set forth in response to interrogatories 1 and 2 of plaintiffs' second set of interrogatories.

Former Special Agent in Charge (SAC) CHARLES G.

RE INTERROGATORY 1

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b3 b6

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CUSICK, currently employed by was assigned to the Cleveland Division at the time of the installation of the below-listed surveillances and during the entire time that they were in operation: A) Telephone surveillance on telephone numbers B) Telephone surveillance on telephone number C) Telephone surveillance on telephone numbers The above telephone numbers were listed ENCLOSURE

RE: DAVID DELLINGER, et al., v.
JOHN N. MITCHELL, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 1768-69

Mr. CUSICK was assign when all individual overhearing		: Cleveland	<u>Division</u>	
occurred.				
	*4			
RE INTERROGATORY 2	• • •		•	
	<u> </u>			*
On	l Mr. CUSI	CK learned	of the	b3
installation of the telephone				7b6
and on				b7C
The Director. FBI	<u> was info</u>	rmed by Cle	veland	,20,70
communication dated	th	at these su	rveillances	
had been installed.				
	7			
Or		CK learned	of the	
installation of the telephone				
The Director, FBI				
communication dated	th	at this sur	veillance	ē.
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FBI Date: 5/6/75 Transmit the following in	b6 b7(
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Transmit the following in (Type in plaintext or code) Via	
(Type in plaintext or code) Via	
Via	
(Priority)	
AA	1
TO: DIRECTOR, FBI (62-112989)	
FROM: SAC, BOSTON (62-5411)	
SUBJECT: DAVID T. DELLINGER, ET AL. VS. ATTORNEY GENERAL JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTENTION INTELLIGENCE DIVISION, SECTION CI-3)	
Re Bureau airtel, 4/24/75. 100 315	<i>1</i> ·
Enclosed for the Bureau are (4) copies of an Athm, dated and captioned as above.	
Re Bureau airtel, 4/24/75. As Enclosed for the Bureau are (4) copies of an Athm, dated and captioned as above. (1) copy of this LHM was furnished to the Bureau by Facsimile Machine on 5/6/75, Attn: Bureau Supervisor, Legal Counsel Division.	b6 b7C
	1
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UNDED STATES DEPARTMENT OF STICE

FEDERAL BUREAU OF INVESTIGATION

Boston, Massachusetts

May 6, 1975

DAVID T. DELLINGER, AND OTHERS, VERSUS ATTORNEY GENERAL JOHN N. MITCHELL, AND OTHERS ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

With respect to the second set of interrogatories filed by the plaintiffs in this matter, the following is set forth in reply:

Former Special Agent in Charge, James L. Handley was the Official in Charge of the Boston Office. of the Federal Bureau of Investigation (FBI) during the period from October 19, 1970 to March 19, 1971 when the telephone installations maintained by the Boston Office and identified on Page 22 of the defendant's answer to the plaintiff's interrogatory Number One were in operation. nswer, identified as Appendix A, sets forth the following telephone numbers on which telephone surveillances were intalled by the Boston Office: A Telephone Number Mr. Handley died on February 17, 1973. 2. The records of the Boston Office of the FBI fail to reflect the date on which Mr. Handley was notified of the above installations.

of the above installations.

By communication dated the installation of the

Director, FBI, was informed that the installation of the telephone surveillance on telephone numbers and was completed on that date.

By cor	mmunication dated	the
Director, FBI, v	was advised by the Boston Offic	e that the
installation of	a telephone surveillance on te	elephone
number	was completed on	

By communication dated _____ the



INFORMATION CONTAINED

ENCLOSURE 62-112989-32/

b3 b6 b7C PAVID T. DELLINGER, AND OTHERS, VERSUS ATTORNEY GENERAL JOHN N. MITCHELL, AND OTHERS ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS b3 b6 b7C

Director,	FBI,	was	advised	that	t as	of	that	date	the	telephone
surveilla	nce <u>l</u> i	nstal	<u>la</u> tions	on i	telej	phoi	ne nu	mbers		
	and		were	disc	cont:	inue	ed.			

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Data of Mail	5/9/75	
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Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

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Subject _____ JUNE MAIL DAVID T. DELLINGER

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		- Mr. Wannall
To: SACs	Baltimore (Enc. 2) (157-3241 Sub A)	
	Boston (Enc. 2) (62-5411)	- Mr. Mintz
	Chicago (Enc. 2) (62-7126)	- WII. WIHRZ
	Cleveland (Enc. 2) (66-5396)	
	Detroit (Enc. 2)(62-5032)	
	Los Angeles (Enc. 2) (94-430)	
	New Haven (Enc. 2) (66-3543)	
	New York (Enc. 2) (100-121672)	2
	Philadelphia (Enc. 2) (157-2004)	
	Sacramento (Enc. 2) (66-179)	
	San Francisco (Enc. 2) (66-672 B)	
	Washington Field (Enc. 2) (66-779 Sub G)	

From: Director, FBI (62-112989)

DAVID DELLINGER, et al., v. JOHN N. MITCHELL, et al. (U.S.D.C., D.C.)
CIVIL ACTION NO. 1768-69
BUDED: 4/30/75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 1/4/00 BY APSIGHT

Enclosed for each receiving office is one copy of plaintiffs' second set of interrogatories and one copy of Appendix A of defendants' response to interrogatories earlier propounded by plaintiffs in this civil action.

FBI Headquarters must furnish to the Department information responsive to plaintiffs' second set of interrogatories.

Disregarding surveillances in Appendix A which are the subject of claims of Executive privilege, please furnish to the Bureau, Attention:

of claims of E	xecutive privilege, pl	lease furnish to the I	Bureau, Attention:
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Dep. AD Adm			
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Airtel to Baltimore, et al. Re: David Dellinger, et al., v. John N. Mitchell, et al., etc.

Legal Counsel Division, by LHM, information responsive to Interrogatories 1 and 2 of plaintiffs' second set of interrogatories. Regarding Interrogatory 1. furnish the identities and present business addresses, if known, of the SACs who were assigned to your Division at the time of:

- 1. The installation for each surveillance identified in Appendix A; (These include surveillances wherein individuals were overheard as well as surveillances of the Black Panther Party.)
- 2. Each individual overhearing identified in Appendix A (pages 1 through 19); and,
- 3. Each surveillance of the Black Panther Party identified in Appendix A (pages 20 through 27). (Here, of course, more than one SAC may have been assigned to your Division during the period of a surveillance.)

Regarding Interrogatory 2, identify the date that the appropriate SAC learned of the installation of the surveillances identified in Appendix A. If your records fail to reflect such a date, so state. Also, identify the date of the communication to the Director, FBI, wherein your Division informed him of the installation for each surveillance identified in Appendix A.

Set forth the above information in an LHM, so the reader may readily apply it to the information set forth in Appendix A.

Disregard Interrogatories 3 through 8.

FEDERAL BUREAU OF INVESTIGATION COMMUNICATIONS SECTION

MAY 0-6-1975

Assoc. Dir.
DepA.DAdm
DepA.DInv.
Asst. Dir.:
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Director Sec'y

006 SC CODED

5-41 PM NITEL 5/6/75

DIRECTOR (62-112989)

SACRAMENTO (157-52 SUB 1) FR OM

LEGAL COUNSEL SECTION

DAVID T. DELLINGER, ET AL, V. JOHN N. MITCHELL, ET AL, (DDC)

TCIVIL ACTION NO. 1768-69.

RE LOS ANGELES NITEL TO BUREAU, APR. 7, 1975.

ON MAY 6, 1975, FEMALE. (LNU), WHO IDENTIFIED HERSELF AS

SECRETARY TO TELEPHONICALLY CONTACTED SACRAMENTO

OFFICE AND ADVISED DESIRED TO MAKE ARRANGEMENTS TO REVIEW

FILES AT SACRAMENTO OFFICE AT APPROXIMATELY 10:30 AM, THURSDAY, MAY 8,

1975. ARRANGEMENTS WERE SO MADE.

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INTERESTED OFFICES ADVISED BY AIRMAIL OF 02-112989

SACRAMENTO OFFICE.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

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MAY 20 1975

Memorandum

TO

Mr. J. B. Adams

DATE: 4/23/75

FROM

Legal Counsel

SUBJECT:

DAVID DELLINGER, et al. v.

JOHN N. MITCHELL, et al.

(U.S.D.C., D.C.)

CIVIL ACTION NO. 1768-69

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Ident. ...
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Assoc. Dir.

Dep. AD Adm. __

Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs

In captioned civil action plaintiffs seek damages for allegedly illegal electronic surveillance. Pursuant to court order plaintiffs are being given access in our field offices to the tapes, logs, and transcripts concerning this coverage.

By memorandum dated 4/16/75, the Department enclosed a copy of plaintiffs' second set of interrogatories and requested that Information responsive to these interrogatories be made available to them.

Interrogatories 1 and 2 ask for the names and current addresses of the officials to whom FBI Agents installing and monitoring the electronic surveillance reported as well as the dates that such officials received information from the installers of the electronic surveillances. By attached airtel pertinent FBI field offices are being requested to furnish information responsive to these interrogatories.

Interrogatory 3 asks for the names and current addresses of officials having had supervisory authority over the electronic surveillances referred to in Interrogatory 1. The names of pertinent SACs as well as the late Director J. Edgar Hoover's name will be furnished as responsive to this Interrogatory.

Enc.

62-112989

ST-117

1 - Mr. Wannall 1 -

2 - Mr. Mintz

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REC-56

E MAY 21 1975

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CONTINUED - OVER

b70

Memorandum to Mr. J. B. Adams Re: David Dellinger, et al. v. John N. Mitchell, et al., etc.

Interrogatories 4 and 5 ask for the hierarchial position held by FBI officials named in response to Interrogatories 1 and 3 and the scope of their supervisory authority. An explanation of the hierarchial position of SACs and the Director and a statement concerning the scope of their supervisory authority will be furnished as responsive to these interrogatories.

Interrogatory 6 asks for the names, addresses and positions of all persons to whom the contents of the electronic surveillances in question were revealed. This interrogatory will be objected to on the ground of burdensomeness. Involved here are a substantial number of tapes, logs and transcripts located in 12 FBI field offices. An impossible and unreasonable burden would be placed on this Bureau if we were required to furnish information responsive to this interrogatory. We will also submit that plaintiffs have shown no good cause for the production of this information.

Interrogatory 7 asks for the current addresses of certain former or present officials of the FBI, including ''Mark Felt,'' ''William Sullivan'' and ''William Brennan.'' The last known addresses for Felt and Sullivan will be furnished. As to William Brennan, plaintiffs are probably referring to Charles D. Brennan. We, however, will answer by stating we have no present or former official by the name of William Brennan.

Interrogatory 8 asks for the identity of persons who attended meetings of the Intelligence Evaluation Committee (IEC). Inasmuch as the IEC was directed by the Department, the Departmental attorney handling this matter indicated the Criminal Division would furnish information responsive to this question.

RECOMMENDATION:

That the attached airtel be approved and sent.

ROD

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April 1

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TO

DIRECTOR, FBI

LEGAL COUNSEL DIVISION

SÁC, SACRAMENTO (157-52 Sub 1)(P)

SUBJECT:

DAVID DELLINGER, et al, v. JOHN NOMITCHELL, et al (U.S.D.C., D.C.)

CIVIL ACTION #1768-69

Re Sacramento nitel to Director,

DATE: 5/9/75

Enclosed for the Bureau are five copies of an LHM reflecting plaintiff's inspection of Sacramento file re captioned matter.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/82 BY AN 5 MAPS 1048DEm13 2.9.93 3128 20 12-1/2989 16 MAY 19 1975 CC 5640

> - Bureau (Enc) (RM) 2 - Sacramento

HLL: emw

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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In Reply, Please Refer to

File No.

UNIT STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Sacramento, California

May 9, 1975

DAVID DELLINGER, et al, v. JOHN N. MITCHELL, et al (U.S.D.C., D.C.)
CIVIL ACTION #1768-69

b6 b7C

On May 8, 1975,

appeared at the Sacramento, California, Office of the Federal Bureau of Investigation, at which time he was given access to certain documents pursuant to court order.

These documents are described as follows:

Surveillance logs with partial transcriptions of a telephone surveillance conducted by the FBI from on telephones at

made notes concerning information contained in these logs, however, no copies of the logs were made.

His review of the logs lasted approximately 35 minutes and he advised upon leaving that he did not expect further review of these logs would be necessary.

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62-112989-326

ENCLOSURE

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(Bay, 5-22-64)		
	FBI Date: 4/29/75	
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AIRIEL	DATE BY as 5 sigled	
TO:	DIRECTOR, FBI (62-112989) 3 1048 DKm 18	01
	3/38 2-6	
FROM:	SAC, NEW HAVEN (66-3543) (C)	
SUBJECT:	DAVID DELLINGER, et al., v. JOHN N. MITCHELL, et al. (U.S.D.C., D.C.) CIVIL ACTION NO. 1768-69	
	ReBuairtel 4/24/75. April 27/5	
dated and ca	Enclosed for the Bureau are 6 copies of an LH aptioned as above.	IM
SAC WEEKS is	For the information of the Bureau, former SAC WEEKS retired in 1973. Home address for former s which set forth in LHM.	
prom from	Although electronic surveillance transferred to	
is identific	ed as one surveillance in enclosed LHM.	— k
	EX 104	k
AAC (T)	REC-762 112989-321	2
Bureau (En	nc. 6) (RM) MAY 1975	
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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No. 66-3543

New Haven, Connecticut April 29, 1975

DAVID DELLINGER, ET AL., VS. ATTORNEY GENERAL JOHN N. MITCHELL, ET AL.

Regarding electronic surveillance of I
on telephone numbers
•
CHARLES E. WEEKS (retired) was the Special Agent in Charge (SAC
of the New Haven Division during that period of time.
Records of the Federal Bureau of Investigation (FBI), New
Haven, Connecticut, do not reflect the date former SAC
CHARLES E. WEEKS learned of the installation of the above
electronic surveillance. By a communication dated
the New Haven Office of the FBI informed FBI
Headquarters, Washington, D.C. of the installation of
the phore electronic surveillance

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DATE 1/4/82 BY 40 5 1/4/82

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، المحب	3	Date: 5/6/75		•
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Vic	AIRTEL	AIRMAIL	·	
		(Priority)		т
	TO:	DIRECTOR, FBI (62-112989) ATTN: LEGAL COUNSEL SECTION SAC, SACRAMENTO (157-52 Sub 1)(P)		
Ø	JOHN N (U.S.D	DELLINGER, et al, v MITCHELL, et al .C., D.C.) ACTION #1768-69 ReBuairtel to Baltimore, 4/24/75.		Q.L.
	reflec second	Enclosed for the Bureau are five copiting Sacramento Division's response to place of interrogatories.		
	furnis	The Bureau should note that enclosed hed by facsimile on 5/6/75=		ously
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Special Agent in Charge

GPO: 1970 O - 402-735



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Sacramento, California May 6, 1975

DAVID T. DELLINGER, ET AL, V. JOHN N. MITCHELL, ET AL (U.S.D.C., D.C.) CIVIL ACTION #1768-69

In response to plaintiffs' second set of interrogatories, the following information is set forth concerning a telephone surveillance conducted by the Federal Bureau of Investigation (FBI)

Re: Interrogatory #1

Special Agent in Charge (SAC) John H. Williams, retired, c/o FBI, P.O. Box 13130, Sacramento, California 95813, was ASAC of the Sacramento Division at the time of the installation of the surveillance set forth above.

Re: Interrogatory #2

SAC Williams was advised of the installation of the surveillance identified in Appendix A on and by communication dated the Director, FBI was informed of the installation of the surveillance set forth above.

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DATE 1/4/82 BY 2018 DEMISE 29-93 1048 DEMISE

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	Date: 5/1/75	
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Via	A T DMTT.	
A 10	(Priority)	
Ċ	TO: DIRECTOR, FBI (62-112989) ATTN: LEGAL COUNSEL DIVISION FROM: SAC, DETROIT (62-5032)(P)ALL INFORMATION CONTAINED DAVID DELLINGER, et al VS JOHN N. MITCHELL, et al (USDC, D.C.) CIVIL ACTION NUMBER 1768-69 Re Bureau airtel of 4/24/75.	
	Enclosed for the Bureau are the original and three copies of an LHM regarding captioned matter. For former SAC PAUL H. STODDARD, the only business address that the Detroit Division possesses is A more current residence should be available in the files of retired personnel maintained at FBIHQ.	b6 b7C b3
GML. run	The answers to Interrogatory Number 1 and Interrogatory Number 2a through 2g for graph 16, 17, and 18 list incorrect telephone numbers for the #/6 technical surveillance conducted by Detroit. The corrected #/7 telephone numbers are listed in the enclosed LHM. 2- Bureau (Engle) (RM) 2 - Detroit (RM) REC-7 () //2/19 3 Advised 5/5 (4) REC-7 () //2/19 3 Advised 5/5	BAR 73
5/20/2	CC LHM Gouth fun Gouth from 5/5/2/25	
	Approved: Sent M Per	

Special Agent in Charge

★ U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)



In Reply, Please Refer to File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Detroit, Michigan May 1, 1975

b6

Re: David T. Dellinger Versus John N. Mitchell

The technical surveillance which was instituted on commenced on the Director of the Federal Bureau of Investigation (FBI) was advised of the initiation of the the Director of the FBI. surveillance and on was advised of the termination of the surveillance. The technical surveillance which was instituted on and terminated commenced on The Director of the FBI was advised on of the initiation of the surveillance and he was advised on of it's termination. The technical surveillance which was instituted on commenced on and terminated on The Director of the FBI was advised of the intiation of the surveillance on and he was advised on that the surveillance had been terminated. This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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62-112989-329

Re: David T. Dellinger Versus John N. Mitchell

b6 b7C

The technical survei	llance which was instituted on
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coasenced on	and was terminated
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	illance had been initiated and
he was advised on	that the surveillance had
been terminated.	그래요 아이들 바다되었다. 그 그리일은 경기를 찾았
	hich indicates when the following
	e were advised of the technical
surveillances starting and ter	minating.
Paul H. Stoddard	was the Special
	chnical surveillances of 1969
and at the start of the survei	llance which began
Well J. Welch	, became Special
	Division on May 18, 1970, while
the surveillance on	was being conduct-
	Agent in Charge, Detroit Division
FBI during the surveillance of	
was terminated on	
the technical current	llance which was instituted on
- 1142 FRIENDS FREE FREE FREE FREE FREE FREE FREE FRE	LIBROR WILLIAM WES LINGUL CHASE OUT
commenced on	and terminated
	ector of the FMI was advised of
the initiation of the surveill	
it's termination on	Neil J. Welch was Special
the state of the s	Division during the surveillance
of	1

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		Date: 4/30/75	
Transmit	t the following in	(Type in plaintext or code)	
Via	AIRTEL		
		(Priority)	
	TO:	DIRECTOR, FBI (62-112989) (Attention: Legal Counsel Division)	
	FROM:	SAC, BALTIMORE (157-3241 Sub A)	
v j		DAVID DELLINGER, et al., V. JOHN N. MITCHELL, et al. U.S.D.C., D.C. CIVIL ACTION NO. 1768-69 BUDED: 4/30/75	Q.A.
		Re Bureau airtel dated 4/24/75.	
Same ame	JOHN N. MI	Enclosed for the Bureau is the original and fa LHM in response to interrogatories to defend the court. ALL INFORMATION CONTAINE HEREIN IS UNCLASSIFIED DATE 1/4/82 BY APS 19/17 3 29-93 1048 BICM180 REC-7 2-112989-3 (Enc. 6) MAY	dent D
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In Reply, Please Refer to File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Baltimore, Maryland

April 30, 1975

DAVID T. DELLINGER; et al., V.
JOHN N. MITCHELL; et al.
ALLEGED VIOLATION OF CONSTITUTIONAL
RIGHTS

The Baltimore Office of the Federal Bureau of	
Investigation (FBI) operated	
	• • •
from	
until The surveillance was resumed	
at This w	as
located at The	,
surveillance was discontinued on	
Mr. Victor Turyn was the Special Agent in Cha	rge .
(SAC) of the Baltimore Office of the FBI during the ent	
period mentioned above. Mr. Turyn has since retired.	
is now employed by	
This institution is located	at
1 2222 2232 2232	1
	.
There is no indication at Baltimore when SAC	Turvn
first learned of	
FBI headquarters was notifi	ed
of the installation of	 -
by letters of	
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e. N	Date: 5/5/75
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AIRTEL	(Type in plaintext or code)
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	(Priority)
то:	DIRECTOR, FBI (62-112989) ATTN: LEGAL COUNSEL DIVISION
FROM:	SAC, WFO (66-779 SUB G)(P)
JOHN N. (USDC,	ELLINGER, et al, v. MITCHELL, et al. D.C.) CTION NO. 1768-69 Reurairtel, 4/24/75. Enclosed are original and three copies of a
self-ex	Enclosed are original and three copies of a planatory letterhead memorandum.
ALL INFORMA HEREIN IS UN DATE 1-4-82 2-9-93	TION CONTAINED ICLASSIFIED BY APS MAN TO REC-37 62-112989-33/
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Approved:	Sent M Per U.S. Government Printing Office: 1972 — 455-574



In Reply, Please Refer to File No.



FEDERAL BUREAU OF INVESTIGATION
Washington, D.C. 20535
May 7, 1975

DAVID DELLINGER, ET AL, V.
JOHN N. MITCHELL, ET AL
(UNITED STATES DISTRICT COURT,
DISTRICT OF COLUMBIA
CIVIL ACTION NUMBER 1768-69

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34-1. Edwin Tully was Special Agent in Char	
of the Washington Field Office (WFO) during surveillar	nce period
of through and including	when he
retired from the Federal Bureau of Investigation (FBI). His
current business address is unknown. Robert Kunkel wa	as SAC of
the WFO during the surveillance period of August 1, 1	970, to
February 1, 1971, and from April 19, 1971, to June 25	, 1971.
Kunkel is currently SAC, FBI, 300 North Lee Street, A	lexandria,
Virginia, 22314:	

34-2. Records fail to identify the dates SAC's Tully and/or Kunkel learned of the installations of the above surveillances. However, headquarters of the FBI were sent communications from the SAC, WFO, dated and

34-3. SAC Kunkel was assigned to the WFO during all surveillances described except for period of June 10, 1970, through and including July 30, 1970, when Tully was SAC.

35-1. Edwin Tully was SAC of the WFO during surveillance period of July 30, 1970, only. Robert Kunkel was SAC of the WFO during the surveillance period August 1, 1970, to June 25, 1971. He is currently SAC, FBI, 300 North Lee Street; Alexandria, Virginia, 22314.

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DAVID DELLINGER, ET AL, V. JOHN MITCHELL, ET AL

35-2. Records fail to identify the dates SAC Tully or Kunsel learned of the installation of the above surveillances. However, headquarters of the FBI were sent communications from the SAC, WFO dated and advising of the installations.

35-3. SAC Kunkel was assigned to the WFO turing all surveillances described above except for July 30, 370, only.

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					 	P. P.	*
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	TO:	DIRECTOR, FBI (62	-112989)	ATTN:	LEGAL DIVISI	COUNSEL	
	FROM:	SAC, LOS ANGELES	(176-79B)(P)				
	SUBJECT:	DAVID DELLINGER, JOHN N. MITCHELL,	ET AL, v. ET AL	•			
		(U.S.D.C., DC) CIVIL ACTION NUMB BUDED 4/30/75	ER 1763-69			٧ ,	
		Re Bureau airtel	dated 4/24/75.	5		W	. *
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In Reply, Please Refer to File No.

INTERROGATORY #1

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION Los Angeles, California April 29, 1975

DAVID DELLINGER, ET AL, v. JOHN N. MITCHELL, ET AL (U.S.D.C., DĆ) CIVIL ACTION NUMBER 1763-69

The following is in response to interrogatories propounded by the plaintiffs in the above-captioned civil matter as set out in the plaintiffs' second set of interrogatories to the defendants in this matter: items 21 through 28 of Appendix.)

Former Special Agent in Charge (SAC)
Wesley G. Grapp Flying Tigar Airfreight Worldwide
7401 World Way West Los Angeles, California ALL INFORMATION CONTAINED
ALL INFONIAL COLUMN
HERFINIS UNCLASSIFIED

DATE 1-4-82 BY 205 sights C Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California

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DAVID DELLINGER, ET AL, v. JOHN N. MITCHELL, ET AL (U.S.D.C., DC) CIVIL ACTION NUMBER 1763-69

Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California

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Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California

.____

Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California

Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California

Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California DAVID DELLINGER, ET AL, v. JOHN N. MITCHELL, ET AL (U.S.D.C., DC) CIVIL ACTION NUMBER 1763-69 Former SAC Wesley G. Grapp Flying Tigar Airfreight Worldwide 7401 World Way West Los Angeles, California INTERROGATORY #2 Period SAC Wesley G. Grapp received reports: through Communication advising FBI Headquarters of installation: Los Angeles airtel to FBI Headquarters dated captioned "Black Panther Party, Los Angeles Division, Racial Matters." Period SAC Wesley G. Grapp received reports: through Communication advising FBI Headquarters of installation: Los Angeles airtel to FBI Headquarters dated

BPP caption.

under

DAVID DELLINGER, ET AL, v. JOHN N. MITCHELL, ET AL (U.S.D.C., DC) CIVIL ACTION NUMBER 1763-69

Period SAC Wesley G. Grapp received reports: through
Communication advising FBI Headquarters of installation: Los Angeles teletype dated under BPP caption.
Period SAC Wesley G. Grapp received reports: through
Communication advising FBI Headquarters of installation: Previous authority utilized to continue former installation at this address. Authority to continue contained in Los Angeles airtel to FBI Headquarters dated under BPP caption.
Period SAC Weslev G. Grapp received reports: through
Communication advising FBI Headquarters of installation: Los Angeles airtel to FBI Headquarters dated under BPP caption.
Period SAC Wesley G. Grapp received reports:
Communication advising FBI Headquarters of installation: Los Angeles teletype dated under BPP caption.

DAVID DELLINGER, ET AL, v.
JOHN N. MITCHELL, ET AL
(U.S.D.C., DC)
CIVIL ACTION NUMBER 1763-69

Period SAC Wesley G.	Grapp rough	received	reports
Communication advisi installation: Los A Headquarters dated BPP caption.			
Period SAC Wesley G.	Grapp chrough	received	reports

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Communication advising FBI Headquarters of installation: Los Angeles airtel to FBI Headquarters dated under BPP caption.

F B I

Date:

4/30/75

Transmit the following in		
Trunsmit the following in	(Type in plaintext or code)	
AIRTEL Via		` .
<u> </u>	(Priority)	

TO : DIRECTOR, FB1 (62-112989)

ATTN: LEGAL COUNSEL DIVISION

FROM: SAC, CHICAGO (62-7126)

DAVID DELLINGER, ETAL V.
JOHN N. MITCHELL, ETAL
(U.S.D.C., D.C.)
CIVIL ACTION #1768-69
BUDED 4/30/75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-4-82 BY 35 yighter

ReBuairtel to Baltimore, etal, this caption 4/24/75.

Enclosed for the Bureau are five copies of a LHM responsive to instructions in reairtel.

Attached to reBuairtel was a copy of plaintiff's second æt of interrogatories dated 4/9/75 and an appendix containing specific overhearings of record regarding each plaintiff, the appendix earlier propounded by plaintiffs in connection with a prior brief.

Since this appendix contained overhearing dates set out individually by respective plaintiff, and as Bureau instructed only that the LHM be readily applicable to the appendix, Chicago has likewise set forth the requested information, that is under plaintiff caption in the same order.

It was not deemed necessary to specifically identify each overhearing date listed in this appendix in terms of the particular SAC who was then serving at Chicago. The effective dates of each SAC's assignment here is set forth in specifics in the enclosed and consequently it appears that such information is immediately apparent to any reader.

tion is immediately apparent t	o any reader.	2-112 187
CCLAM was sept all	REC-37	
2) - Bureau (Enc. 3) (M) 1 - Chicago (Chicago)	EX-101	3 MAY 3 1975
(3) DENOTE:		

Approved: Special Agent in Charge

Menn AAR, Evil Mis

± U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

b6 b7C CG 62-7126

In that connection Chicago is cognizant that former SAC JOHNSON's effective retirement date was 6/15/70 rather than 5/3/70 as shown in enclosed. However, inasmuch as SAC BATES formally assumed official responsibility for the Chicago Office on the latter date, it was felt more practical to remove from the LHM any indication of a question of dual or overlapping authority.

Above for information of the Bureau.



In Reply, Please Refer to File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION Chicago, Illinois

April 30, 1975

DAVID DELLINGER, ET AL,
PLAINTIFFS
VS.

JOHN N. MITCHELL, ET AL,
DEFENDANTS
CIVIL ACTION NUMBER 1768-69
UNITED STATES DISTRICT COURT,
WASHINGTON, D.C.

Reference is made to document dated April 9, 1975, entitled Plaintiffs Second Set of Interrogatories to Defendant John N. Mitchell.

Set forth hereinafter is information as available from records, Chicago Office, Federal Bureau of Investigation, responsive to Interrogatories numbered 1 and 2, in referenced document. Responses are set forth under the name of the individual plaintiff, where applicable to Chicago:

DAVID DELLINGER

		/		
A .	❤ .	rrogatory		•
Α.	1 to 2 to 1	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
Α.	THE	LIUEALULY	number	

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62-112-98-9-333

b3 b6 b7C DAVID DELLINGER, ET AL, PLAINTIFFS VS.
JOHN N. MITCHELL, ET AL, DEFENDANTS

Marlin W. Johnson was Special Agent in Charge (SAC) of the Chicago FBI Office at the time of the installation of telephone surveillances on above listed numbers, as well as the dates of overhearings indicated after the telephone number in question.

His effective dates of assignment to Chicago were October 16, 1962, to May 3, 1970.

Johnson's current busines	s address is as follows:
	A STATE OF THE STA
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	b7(
B. Interrogatory Number 2	
Records of the Chicago Of SAC JOHNSON was aware of the install	
surveillance on as o	f On the state of
the Chicago Office adv Washington, D.C., of the activation on	ised the Director, FBI, of this installation
Records of the Chicago Of JOHNSON was aware of the installation on on on on date the Chicago Office informed the installation, to be activated A.M. the chicago of the chicago of the installation, to be activated a.M.	n of telephone surveillance On that Director, FBI, of this he following day. b6
	b7C
A. and B. Interrogatories Number	er 1 and Number 2
Information which is response 1 and 2 will be found in the response that is as to identity of SAC, Chicagas to installation of the telephone s	go, at time of overhearing and
and the second of the second o	

DAVID DELLINGER, ET AL, PLAINTIFFS
VS.
JOHN N. MITCHELL, ET AL, DEFENDANTS
A. and B. Interrogatories Number 1 and Number 2

Information responsive to these two Interrogatorie
will be found, as in the case ofin the above
responses under caption.
A. and B. Interrogatories Number 1 and Number 2
Note that regarding the dates of the installation
of and
as well as regarding the dates of each of the above specified overhearings, information has been set forth previously reflecting Marlin W. Johnson to have been then
previously reflecting Marlin W. Johnson to have been then
assigned the Chicago FBI Office as SAC.
Regarding
the following is set
forth:
Records of the Chicago Office reflect that former
SAC Johnson was aware of the installation of telephone
SAC Johnson was aware of the installation of telephone surveillance on this number as of the same
SAC Johnson was aware of the installation of telephone

b3 b6 b7C

DAVID DELLINGER, ET AL, PLAINT	IFFS	
VS. JOHN N. MITCHELL, ET AL, DEFENI	<u>DANTS</u>	
Perords of the Chie	ago Office reflect that	
former SAC Johnson was aware of	f the installation of	
that date the Director, FBI, wa	as of On	 Э
same date, of this installation		
		7C
or the live of the Market Residence in the		
that the Director FBI was in	ago Office, FBI, reflect formed of the telephone	
installation	on and	
on		
Attention is directed reflecting former SAC Johnson to	ed to previous information	
as SAC, Chicago, effective May		
On May 3. 1970. Char	rles W. Bates assumed the	
post of SAC, Chicago FBI Office		٠.
October 3, 1971.		
Mr. Bates is current Francisco Office, FBI, address	tly assigned as SAC, San	٠
San Francisco, California 9410		
A review of the appr	ropriate records of the Chicago	
Office fails to reflect SAC Bat	tes was aware of the instal-	
lations on cocurred during his tenure of o	andwhich duty at Chicago.	
		. • •
BOBBY G. SEALE	and the state of t	$A_{j,s}$
A. and B. Interrogatories	s Number 1 and Number 2	
		• 1
	•	

DAVID DELLINGER, ET AL, PLAINTIFFS	
VS. JOHN N. MITCHELL, ET AL, DEFENDANTS	b3 b6
Under caption, above, information was set forth reflecting Charles W. Bates served as SAC, Chicago FBI Office, in the period to	b7C
On October 18, 1971, Mr. Roy K. Moore assumed the position of SAC, Chicago FBI Office, serving in this capacity until January 15, 1973.	b6
Mr. Moore's current business address is	b7C
During the period October 3, 1971, to October 18, 1971, prior to Mr. Moore's assumption of the post of SAC, the Acting SAC of the Chicago Office was Mr. Bernard Huelskamp, who was serving in the Chicago Office in this period as Assistant Agent in Charge.	
The current business address of Mr. Huelskamp is not known.	
In connection with the overhearings set forth	
above from attention is directed to information	
set forth above under caption, as well as immediate	lv
above, which collectively contains data responsive to these two Interrogatories.	b3 b6
Regarding the overhearings of and	b7C
information under	
information under	and the second s
A. and B. Interrogatories Number 1 and Number 2	b3

DAVID DELLINGER, ET AL, PLAINTIFFS VS.
JOHN N. MITCHELL, ET AL, DEFFENDANTS

Information responsive to these two Interrogatories will be found in the material set forth above, under the Davis and/or Seale captions.

FB1

ć	•	Date: 4/29/75		
Transmit th	he following in		****	!] 1
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Via	AIRTEL	(Priority)		!
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	TO:	DIRECTOR, FBI (62-112989) (ATTN: LEGAL COUNSEL DIVISION)		
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Approved: AUS 26 1975
Special Agent in Charge

Sent _____ M Per ____



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION New York, New York April 29, 1975

David Dellinger, ET AL, v. John N. Mitchell, ET AL (U.S.D.C., D.C.)
Civil Action Number 1768-69

In response to Interrogatory one of plaintiff's second set of interrogatories, Assistant Director John F. Malone, retired, was assigned to the New York Office of the Federal Bureau of Investigation (FBI) during the time of all of the surveillances in question.

In response to Interrogatory two of plaintiff's second set of interrogatories, no information is available to indicate the date that Assistant Director Malone was advised of the installation of the surveillances in question. With regard to the date, a communication was sent to the Director, FBI informing him of the installation, the following is set forth, broken down by individual plaintiff:

Day	vid Dellinger	,
ONTAINEI FIED With Skm (2000)	1)	
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S UNCLASS	3)	
	1)	

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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b3 b6 b7C ST 117

Assistant Attorney General Criminal Division

REC-20 Director, FBI

1 1/2989-335

Hay 22, 1975

Mr. Wannall

Mr. Mintz

DAVID DELLINGER, et al. v. JOHN N. MITCHELL, et al. (U.S.D.C., D.C.) CIVIL ACTION NO. 1768-69

5 6 OF UNEO 4 14975 PE 7 NO

HEREIN IS UNCLASSIFIED

DATE 1-4-824 BY CONSIDER 315822

ALL INFORMATION CONTAINED

By memorandum dated April 16, 1975, you enclosed a copy of Plaintiffs' Second Set of Interrogatories in this civil action and requested that information in Bureau files responsive to these interrogatories be made available to you. On May 5, 7, and 9, 1975, information in Bureau files responsive to these interrogatories was furnished to Mr. Jonathan B. Smith of your office by Special Agent of our headquarters staff. This memorandum will confirm these conversations.

.b6 .b7C

GPO 954-546 %

MAY 22 1975

Mr. Smith was furnished one copy each of twelve letternead memoranda prepared by twelve of our field offices, copies of which are enclosed. Information responsive to Interrogatories and 2 is contained in these memoranda.

Interrogatory 3 asks for the names and current addresses of officials who had supervisory authority over the electronic surveillances referred to in Interrogatory 1. The names of the Special Agents in Charge who had supervisory authority over the surveillances in our field offices, as well as their current business addresses if known, are contained in the enclosed material. The late J. Edgar Hoover, as Director of the FBI, also had supervisory authority over the surveillances until his death on May 2, 1972. The late Clyde A. Tolson served as Acting Director on May 2, 1972, and L. Patrick Gray, III, served as Acting Director from May 3, 1972, through April 27, 1973. Messrs. Tolson and Gray had supervisory authority over the surveillances when they served as Acting Director.

Dep. AD Adm. __
Dep. AD Inv. __
Asst. Dir.:

Interrogatories 4 and 5 ask for the hierarchical position

Admin. __ held by FBI officials named in response to Interrogatories 1 and 3

Comp. Syst. __
Comp. __
Comp. Syst. __
Comp. __
Comp. Syst. __
C

Assistant Attorney General Criminal Division

The Special Agents in Charge identified in the enclosed letterhead memoranda functioned as the heads of the field offices to which they were assigned, and as such were directly responsible to the Director or the respective Acting Directors who, of course, served as heads of this Bureau.

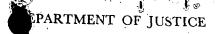
Interrogatory 6 asks for the names, addresses, and positions of all persons to whom the contents of the electronic surveillances in question were revealed. For your information, involved here are a substantial number of tapes, logs, and transcripts located in twelve FBI field offices. An impossible and unreasonable burden would be placed on this Bureau if we were required to furnish information responsive to this interrogatory. Thus, we recommend that your office object to answering this interrogatory on the ground of burdensomeness. In addition, it does not appear to us that plaintiffs have shown any good cause for the production of this information.

Interrogatory 7 asks for the current addresses of certain present or former officials of the FBI. We have no present or former official by the name "William Brennan" (7a). W. Mark Felt (7b), retired from this Bureau on June 22, 1973. His address as of February, 1975, was 3216 Wynford Drive, Fairfax, Virginia 22030. William C. Sullivan (7c), retired from this Bureau on October 21, 1971. His present address is Sunset Road, Sugar Hill, New Hampshire 03585. Individuals identified in Interrogatories 7d through 7f are believed to be former Departmental officials.

Interrogatory 8 asks for the identity of persons who attended meetings of the Intelligence Evaluation Committee (IEC). Inasmuch as the IEC was directed by the Department, Mr. Smith advised the Department would furnish information responsive to this request.

Enclosures (12)

Memorandum



TO

Director-

DATE: April 16, 1975

DILECTOL

Federal Bureau of Investigation

Attention: Office of Legal Counsel

FROM j

John C. Keeney

Acting Assistant Attorney General

Criminal Division

SUBJECT:

David Dellinger, et al. v. John N. Mitchell, et al.

(D.D.C.) Civil Action No. 1768-69

Please find enclosed a copy of Plaintiffs' second set of Interrogatories to Defendant John N. Mitchell. The defendant's answer to the interrogatories is due on May 9, 1975. Accordingly, it is requested that the information contained in Bureau files necessary for the preparation of the answer be made available to the Department in sufficient time to allow filing of the answer on that date. If disclosure of that information is in your judgment objectionable, please so indicate in order that consideration may be given to interposing an appropriate objection.

Enclosure

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b6 b70 UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs,

Civil Action #1768-69

V.

JOHN N. MITCHELL, et al.,

Defendants.

PLAINTIFFS' SECOND SET OF INTERROGATORIES TO DEFENDANT JOHN N. MITCHELL

To:

Mr. John N. Mitchell c/o Edw. S. Christenbury, Esq. Civil Litigation Unit U. S. Department of Justice Washington, D. C.

The plaintiffs request that the defendant, John N. Mitchell, answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the within Interrogatories, in the space provided; if such space is inadequate, please answer the Interrogatories on additional pages.

PLEASE TAKE NOTICE that a copy of such answers must be served upon the undersigned within the time prescribed by law.

1. What are the names and current addresses of the officials to whom the FBI agents installing and monitoring the surveillances listed in Appendix A of Defendants' Response to Interrogatories Propounded by the Plaintiffs reported with respect to such surveillances?

ALL INFORMATICY CONTAINED 15820

2. For each official receiving reports at any time from the installers of the electronic surveillances referred to in Question One of these Interrogatories, what were the specific dates during which such official received such reports?

3. What are the names and current addresses of any officials having had any supervisory authority over the electronic surveillances referred to in Question One and what are the specific dates during which such supervisory positions were held with respect to each supervisory official?

4. What was the official hierarchical position held by each official within the FBI or Justice Department named in response to Questions One and Three of these Interrogatories?

5. What was the scope of the supervisory authority exercised by each official within the FBI or Justice Department named in response to Questions One and Three of these Interrogatories?

6. What are the names, current addresses, and official governmental positions, if any, of any and all persons to whom any of the contents of the electronic surveillances referred to in Question One of these Interrogatories were revealed?

- 7. What are the current addresses of the following present or former employees of the FBI or the Department of Justice:
 - a) William Brennan
 - b) Mark Felt
 - c) William Sullivan

8. What are the names and current addresses of all persons who at any time attended meetings of the Intelligence Evaluation Committee? What governmental agency did each person represent? What dates did each person attend such meetings?

Marton Stavisch

WILLIAM J. BENDER
MORTON STAVIS
c/o Constitutional Litigation Clinic
175 University Avenue
Conklin Hall
Newark, New Jersey 07102
201-648-5687

ATTORNEYS FOR PLAINTIFFS

Dated:

eprel 9, 1975

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

JOHN N. MITCHELL

Dated:

ANSWERS TO INTERROGATORY NO. 1 AND INTERROGATORY NO. 2a THROUGH 2g JERRY C. RUBIN

Appendix A

Answer to Interrogatory No. 1

- l.a. Yes
- 1.b. No
- 1.c. See accompanying motion

Answer to Interrogatory No. 2

- 2.a. See answer to interrogatory number one above.
- 2.b. and c. Plaintiff Jerry C. Rubin was incidentally overheard on the following "domestic" national security surveillances conducted in the manner, at the location and on the date indicated:
 - 1. W.E.B. DuBois Clubs of America, 5935 Grove
 Street, Oakland, California; microphone surveil-
 - = lance; 10/25/64.
 - 2. Mortimer Harvey Scheer, 2629 Acton Road, Berkeley, California; telephone surveillance on number 845-7574; 4/23/65.
 - 3. A telephone surveillance of an individual, organization or location, the identity of which is the subject of a claim of Executive privilege by the Attorney General; 5/19/65.
 - 4. Black Panther Party National Headquarters, 3106
 Shattuck Avenue, Berkeley, California; telephone

Mancy Darrett Frappier 670 Ensemeda Avenue;

Berkeley, California; telephone surveillance

on number 527-1816; 3/15/71.

- 2.d.(i) Surveillance number one above was approved by
 Clyde A. Tolson, Associate Director of the Federal
 Bureau of Investigation under Departmental practice
 in effect at that time; surveillance number two abov
 was authorized by Attorney General Nicholas deB.

 Katzenbach; surveillance number three above was
 authorized by Attorney General Francis Biddle;
 surveillances four, five and six above were authorized by Attorney General John N. Mitchell.
- 2.d.(ii) See accompanying motion.
- 2.d.(iii) See accompanying motion.
- 2.d.(iv) No person is described in response to paragraph
 2(c)(i).
 - 2.e. See accompanying motion.
 - 2.f. See accompanying motion.
 - 2.g. Yes; such entry was not with the consent of the occupants, residents or lessees of such premises.

ANSWERS TO INTERROGATORY NO. 1 AND INTERROGATORY NO. 2a THROUGH 2g FOR DAVID DELLINGER

Answer to Interrogatory No. 1

- 1.a. Yes
- 1.b. No
- 1.c. See accompanying motion

Answer to Interrogatory No. 2

- 2.a. See answer to interrogatory number one above.
- 2.b. and c. Plaintiff David Dellinger was incidentally overheard on the following "domestic" national security
 surveillances conducted in the manner, at the location and on the date indicated:
 - 1. Students for a Democratic Society, 1103 East 63rd Street, Chicago, Illinois; telephone surveillance on number 667-6050; 10/15/65.
 - 2. Bayard Rustin, Apartment 9J, 340 West 28th
 - Screet, New-York, New-York; telephone surveillance on number YU-9-9890; 6/23/64.
 - 3. Black Panther Party National Headquarters,
 3106 Shattuck Avenue, Berkeley, California;
 telephone surveillance on numbers 845-0103,
 845-0104, 845-0773, 846-6705; 4/19/69.
 - 4. Students for a Democratic Society, 1608 West

 Madison Street, Chicago, Illinois; telephone

 surveillance on numbers 666-3874 and 666-3875;

- 5. Black Panther Party, 2026 Seventh Avenue,
 New York, New York; telephone surveillance
 on numbers 666-3603, 864-8951; 7/2/69,
- 6. A surveillance of an individual, organization or location, the identity of which is the subject of a claim of Executive privilege by the Attorney General; 4/4/71, 4/7/71.
- 7. Black Panther Party, 1370 Boston Road, Bronx,
 New York; telephone surveillance on numbers
 328-2828, 328-9009, 328-9911; 6/25/70.
- 2.d.(i) Surveillance number one above was authorized by

 Attorney General Nicholas deB. Katzenbach; surveillance number two above was authorized by

 Attorney General Robert F. Kennedy; surveillances numbered three, four, five, six and seven above were authorized by Attorney General John N.

 Mitchell.
- 2.d.(ii) See accompanying motion.
- 2.d. (iii) See accompanying motion.
 - 2.d.(iv) No person is described in response to paragraph
 2(c)(i).
 - 2.e. See accompanying motion.
 - 2.f. See accompanying motion.
 - 2.g. No.

ANSWERS TO INTERROGATORY NO. 1 AND INTERROGATORY NO. 2a THROUGH 2g ABBOTT H. HOFFMAN

Answer to Interrogatory No. 1

l.a. Yes

1.b. No

1.c. See accompanying motion

Answer to Interrogatory No. 2

- 2.a. See answer to interrogatory number one above.
- 2.b. and c. Plaintiff Abbott H. Hoffman was incidentally overheard on the following "domestic" national security surveillances conducted in the manner, at the location and on the date indicated:
 - 1. Black Panther Party National Headquarters, 3106 Shattuck Avenue, Berkeley, California; telephone surveillance on numbers 845-0103, 845-0104, 845-0773, 846-6705; 6/10/69, 6/11/69, 7/9/69.
 - 2. Students for a Democratic Society, 1608 West.
 Madison Street, Chicago, Illinois; telephone
 surveillance on numbers 666-3874, 666-3875;
 7/16/69.
 - 3. Howard Joel Emmer, 2915 Ludlow Road, Cleveland,
 Ohio; telephone surveillance on numbers
 752-1874, 752-8944; 11/20/70, 11/27/70.
 - 4. Nancy Sarah Kurshan, 718 Stow Street, Kent, Ohio; telephone surveillance on number 673-3708; 4/13/70.

- 2.d. (ii) See accompanying motion.
- 2.d.(iii) See accompanying motion.
 - 2.d.(iv) No person is described in response to paragraph
 2(c)(i).
 - 2.e. See accompanying motion.
 - 2.f. See accompanying motion.
 - 2.g. No.

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ANGMENS TO INTERROGATORY NO. 1 AND INTERROGATORY NO. 28 THROUGH 29 FOR THE BLACK PANTHER PARTY

Answer to Interrogatory No. 1

- 1.a. No
- 1,b. Yes
- 1.c. See accompanying motion

Answer to Interrogatory No. 2

- 2.a. See answer to interrogatory number one above.
- 2.b. and c. Plaintiff Black Panther Party was the subject of the following "domestic" national security surveil-lances conducted in the manner, at the location and on the date indicated:
 - 1. Black Panther Party, 3106 Shattuck Avenue,
 Berkeley, California; telephone surveillance
 on numbers 845-0103, 845-0104, 845-0773,
 846-6705; 2/26/69 to 6/11/70. Telephone
 numbers 845-0103, 845-0104, 845-0773 were listed
 in the name of Marilyn H. Moorehead and telephone number 848-6705 was listed in the name of
 Charles Bursey.
 - 2. Black Panther Party, 1046 Peralta Street,
 Oakland, California, telephone surveillance on
 numbers 465-5047, 465-5048, 465-5049; 6/11/70
 to 5/23/72. The above telephones were listed

Black Panther Party, 8505 East 14th Street.
Oakland, California; telephone surveillance on numbers 636-1986, 636-1987, 636-1988, 636-1989;
6/5/72 to 6/19/72. The above telephones were listed in the name of Marilyn Moorehead Peace and Freedom Party.

- San Francisco, California; telephone surveillance on numbers 922-0095, 922-6322, 922-6415;
 5/27/69 to 6/3/71 and from 6/24/71 to 9/23/71.
 Telephone number 922-6322 is listed in the name of Sam Napier. The subscriber of the other numbers is not known.
- 6. Black Panther Party, Apartment 25A, 1200 Lakeshore Drive, Oakland, California; telephone surveillance on numbers 465-9592, 763-0202, 763-0203, 763-1919; 12/18/70 to 6/19/72. Telephone number 465-9592 was listed to David Lubell. Telephone numbers 763-1919, 763-0203, 763-0202 was listed to Stronghold Consolidated Productions Incorporated.
- 7. Black Panther Party, Apartment 25A, 1200 Lakeshore

 Drive, Oakland, California; microphone surveillance;

 12/22/70-to-2/19/72 and from-2/26/72-to-6/19/72.
- 8. Black Panther Party, 2026 Seventh Avenue, New York,
 New York; telephone surveillance on numbers

- 10. Black Panther Party, 12 West 127th Street, New York, New York; microphone surveillance; 4/22/70 to 5/25/70.
- 11. Black Panther Party, 402 East 10th Street, New York,
 New York; telephone surveillance on number 2287209; 5/29/71 to 6/23/71. The above telephone
 was listed in the name of Marie Ann Depury.
- 12. Black Panther Party, 1248 North Gay Street,

 Baltimore, Maryland; telephone surveillance on

 number 342-8536; 10/5/70 to 11/21/70. The above

 telephone was listed in the name of C. L. Jackson.
- 13. Black Panther Party, 567 Mosher Street, Baltimore,
 Maryland; telephone surveillance on number 5239010; 12/14/70 to 12/24/70, and from 12/26/70 to
 12/31/70, and from 1/2/71 to 2/10/71. The above
 telephone was listed in the name of David
 Lawrence.
 - 14. Black Panther Party, 21-23 Winthrop Street,

 Roxbury, Massachusetts; telephone surveillance

 on numbers 442-0100, 442-0101, 442-7396; 10/19/70

 to 3/19/71: Telephone numbers 442-0100 and 442
 0101 were listed in the name of the Black Panther

cleveland, Onio; telephone on numbers 881-5054, 881-5055, 881-5056; 11/16/70 to 12/17/70. The above telephones were listed in the name of the National Committee to Combat Fascism-Black Panther Party.

18.

- 16. Black Panther Party, 9049 Oakland Street, Detroit, 873

 Michigan; telephone surveillance on number 897
 255

 3610; 5/14/69 to 6/1/69. The above telephone

 was listed in the name of the Black Arts Develop
 ment Center.
- 17. Black Panther Party, 8417 12th Street, Detroit, 977-36/0
 Michigan; telephone surveillance on number 8689936; 6/16/69 to 6/16/69. The above telephone
 was listed in the name of the Black Panther Party.
 - Black Panther Party, 2219 Indiandale Street,

 Detroit, Michigan; telephone surveillance on

 number 868-9836; 5/7/70 to 6/2/70 and from 8/6/70

 to 10/15/70. The above telephone was listed in

 the name of the Black-Panther Party. National

 Committee to Combat Fascism.
- /19. Black Panther Party, 2350 West Madison Street,
 Chicago, Illinois; telephone surveillance on
 numbers 243-8276, 738-0778, 738-0779; 5/14/69
 to 3/1/72. The surveillance was not conducted
 on 11/27/69, 12/25/69, 1/1/70, 12/25/70, 1/1/71,

20. Black Pankock Parky 4213 South Instant

Chicago, Illinois; telephone surveillance on numbers 924-6575, 924-6576; 12/21/70 to 3/1/72.

No surveillance was conducted on 12/25/70, 1/1/71, No surveillance was conducted on 12/25/70, 1/1/71, where listed in the name of Alphonso Massey.

- Black Panther Party, 4115 South Central Avenue,
 Los Angeles, California; telephone surveillance
 on numbers, 235-4127, 235-4128, 235-4127, 235-5866;

 the above telephones were

 4/15/69 to 2/3/70. The above telephones were

 listed in the name of the Black Panther Party.
- 22. Black Panther Party, 2728 Ellendale Place, Apt. 3, Los Angeles, California; telephone surveillance on number 734-0280; 10/21/69 to 11/12/69. The above telephone was listed in the name of Evon carter.
 - Black Panther Party, 9818 Anzac, Los Angeles, California; telephone surveillance on numbers 567-8027, 569-5902; 2/10/70 to 2/26/70. Telephone number 567-8027 was listed in the name of Gwen Goodloe and number 569-5902 was listed in the name of Robert Steve Tommy Community Center.
 - 24. Black Panther Party, 2043 East Stockwell, Los Angeles, California; telephone surveillance on numbers 635-2586, 635-2559, 635-9882, 636-1763, 636-1764;

 2586, 635-2559, 635-9882, 636-1763, 636-1764;

 2586, 635-2559, 635-9882, 636-1763, 636-1764;

- 26. Black Panther Party, 2136 East 113th Street,

 Los Angeles, California; telephone surveillance

 on number 564-2728; 12/4/70 to 2/6/71. The above

 telephone was listed in the name of Dorothy Phillips.
- 27. Black Panther Party, 731 East 78th Street,

 Los Angeles, California; telephone surveillance

 on number 750-5509; 2/4/71 to 2/28/72. The above

 telephone was listed in the name of Paul Cross.
- 28. Black Panther Party, 5321 Staunton, Los Angeles, California; telephone surveillance on number 585-1448; 2/25/71 to 2/28/72. The above telephone was listed in the name of Norma Armour.
- 29. Black Panther Party, 35 Sylvan Avenue, New Haven, Connecticut; telephone surveillance on numbers

 562-7463, 562-8557; 1/15/70 to 4/9/71. The above telephones were listed in the name of James E. Wilson.
- 30. Black Panther Party, 259 Dixwell Avenue, New Haven, Connecticut; telephone surveillance on numbers 562-7463, 562-8557, 787-2949; 4/9/71 to 4/28/71.

 The above telephones were listed in the name of

31. Black Panther Rosty, 2935 Columnia Avenue.

Philadelphia, Pennsylvania; telephone surveillance on number CE. 5-7203, CE. 5-7525,

CE. 5-7526; 7/13/70 to 7/14/70 and from 9/28/70 to 11/10/70. The above telephones were listed in the name of the Black Panther Party.

- Black Panther Party, 3626 Wallace Street,

 Philadelphia, Pennsylvania; telephone surveil
 lance on numbers BA. 2-0855, EV. 7-2867,

 EV. 7-2868; 8/25/70 to 9/28/70 and from 11/23/70

 to 1/11/71 and from 1/16/71 to 2/10/71. The

 above telephones were listed in the name of the

 Black Panther Party.
- 33. Black Panther Party, 2941 35th Street, Sacramento, California; telephone surveillance on numbers 457-9831, 457-9991; 7/14/69 to 9/8/69. The above telephones were listed in the name of the Black Panther Party.
- 34. Black Panther Party, 2327 18th Street, N.W.,
 Washington, D. C.; telephone surveillance on
 numbers 265-4418, 265-4419, 462-9379; 6/10/70 to
 2/1/71 and from 4/19/71 to 6/25/71. As of
 January 18, 1971, the telephone service at the
 above address was listed in the name of the
 Black Panther Party Ministry of Information.

462-9360: 7/30/70 to 2/1/11 and from 4/19/11 To
6/25/71. As of December 22, 1970 the telephone
service at the above address was listed in the
name of the Black Panther Party Community Information Center.

- 2.d.(i) Surveillances number one, two, three, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five above were initially authorized by Attorney General John N. Mitchell. Surveillance number four above was authorized by Attorney General Richard G. Kleindienst.
- 2.d.(ii) See accompanying motion.

- 2.d.(iii) See accompanying motion.
 - 2.d.(iv) No person is described in response to paragraph
 2(c)(i).
 - 2.e. See accompanying motion.
 - 2.f. See accompanying motion.
 - 2.g. Yes; such entry was not with the consent of the occupants, residents or lessees of such premises.

AMENERS TO INTERPOGATORY NO 1 AND INTERROGATORY NO 2

FOR THE SOUTHERN CONBERENCE EDUCATIONAL FUND

Answer to Interrogatory No. 1

1.a. No

- 1.b. No
- 1.c. See accompanying motion

Answer to Interrogatory No. 2

2.a. - 2.i. See answer to interrogatory number one above.

ANSWER TO INTERROGATORY NO. 2 FOR THE WAR RESISTERS LEAGUE

Answer to Interrogatory No. 1

1.a. No

- 1.b. No
- 1.c. See accompanying motion

Answer to Interrogatory No. 2

2,a. - 2.i. See answer to interrogatory number one above.

ANSWERS TO INTERROGATORY NO. 1 AND
INTERROGATORY NO. 2 FOR THE
CATHOLIC PEACE FELLOWSHIP

Answer to Interrogatory No. 1

- 1.a. No
- 1.b. No.
- 1.c. See accompanying motion

Answer to Interrogatory No. 2

2.a. - 2.i. See answer to interrogatory number one above.

DIRECTOR, FBI (176-1410) (ATTN: INTELLIGENCE DIVISION)

SAC, CHICAGO (176-5) (P)

COC

00: Chicago

DAVID TYRE DELLINGER, akaALL INFORMATION CONTAINED HERFIN IS UNCLASSIFIED DATE 11/3/11 BY 205 1/9/05 315 820

5/12/75

Re Bureau letter dated 10/30/74 and WFO airtel dated 3/24/75, both under above caption.

As the Bureau is aware from above referenced WFO communication and various media accounts, the United States Supreme Court has disposed of the defendants petition for a writ of certiorari in connection with the contempt citations arising from the original conspiracy seven trial. It would appear therefore that this matter has reached its final conclusion.

Consequently, Chicago is renewing its request Letter dated October 8, 1974, this caption, to destroy or re-use the recordings of public appearances of WILLIAM KUNSTLER and the other three defendants, (DELLINGER, RUBIN and HOFFMAN), maintained due to the pending litigation which is now concluded.

In the event Bureau authority for above is received, Chicago will review appropriate records regarding these recordings and advise all ther offices similarly retaining such material.

- Burkau (RM)

(1/-62-112989)- Chicago

1 - 62-7126)

12-112989 NOT RECORD

47 JUN 2 1975

FEDERAL BUREAU OF INVESTIGATION DAICEMAN Johnson Transmit arrached by Facatratic - PLAISTEDIONICATIONS SECTION DIRECTOR FBI(by-IMARASA) 10de: 5/6/75 FOR SAC, BOSTON (GV-SHILL) Tiro: Timesited -Busiwe -Prod T. Dellinger ☐ Warranger clipping ☐ Finewaint Photo ☐ Fingerpoint Record □ ones C) Adists Conception (G min) (4 min) Special Bonding Instructions: 1407 7 TO 114 TELLY TO , LEGGE COUNSEL SIFER REC 862 - 112 989 - 131975 OLUKSION enclosurit)

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DYJUNY HUNY

UNITED STATES GOVERNMENT

MEMORY AND STATES GOVERNMENT

TO

DIRECTOR, FBI (62-112989)

DATE:

4/29/75

FROM

Mesac, PHILADELPHIA (157-2004)

SUBJECT:

DAVID DELLINGER, ET AL V.
JOHN N. MITCHELL, ET AL (U.S.D.C.
D. C.) CIVIL ACTION NO. 1765-69
BUDED 4/30/75



Re Bureau airtel to Philadelphia dated 4/24/75.

Enclosed for the Bureau are eight copies of an LHM dated and captioned as above.

ALL INFORMATION CONTAINED
HERFINIS UNCL'ASSIFIED

DATE 1/4/2 BY 203E DD 13 315820

2) - Bureau (62-1129)

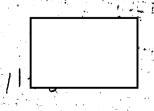
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Bureau (62-112989) (Encls. 8) (RM)
Philadelphia (157-2004)

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
SUN 6 1975



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania 19106

April 29, 1975.

DAVID DELLINGER, ET AL V.
JOHN N. MITCHELL, ET AL
(U.S.D.C., D.C.) CIVIL ACTION
NO. 1765-69

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Records failed to reflect the date Special Agent in Charge Jamieson learned of the installation of the surveillances.

The dates of the communication to the Director, FBI when the Philadelphia Division informed the Director of the installation for each surveillance are

A!! "FORMATION CONTAINED

HF: "!S 'INCLASSIFIED

DATE 1/4/82 BY APTIGATED

39-93 1048 DEMISO

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Assoc. Dir. Dep.-A.D.-Adm. Dep.-A.D.-Inv. FEDERAL BUREAU OF INVESTIGATION Asst. Dir.: COMMUNICATIONS SECTION Admin. ... : 10PM HITEL MAY 20. 1975 KCK Comp. Syst. Ext. Affairs MAY 2 0 1975 DIRECTOR (62-112989) Files & Com. Gen. Inv. _ Ident. SAN FRANCISCO (66-6728) FROM : Inspection Intell. ATTN: LEGAL SECTION Laboratory Plan. & Eval. Spec. Inv. DAVID T. DELLINGER. ET AL VS. ATTORNEY GENERAL JOHN H. MITCHE Completion. Felephone Rm. ET AL : ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS. Director Sec'y AT PRESENT THE ONLY PERSON REVIEWING BLACK PANTHER PARTY HE HAS REVIEWED FILES AT SAN FRANCISCO IS THESE FILES ON MAY 14. 15. AND 19. 1975. HE IS TO RETURN ON b6 May 21 for further review. I hashuch as his review of these b7C FILES IS EXTREMELY SLOW. IT IS REQUESTED THAT BUREAU PERMISSION BE GIVEN TO HAVE A SPECIAL EMPLOYEE OR CLERK BY WITH HIM DURING HIS FILE REVIEW. LIT IS FELT THAT THE AGENT PERSONNEL TIME IS NOT NEEDED OR JUSTIFIED. INASMUCH AS THE MECHANICS OF THIS OPERATION HAVE BEEN SET UP. WIT IS POINTED OUT THAT THE DUTY AGENT IS NEXT DOOR TO THE OFFICE WHERE THE FILES ARE BEING REVIEWED AND IS IMMEDIATELY AVAILABLE IF ANY QUESTION ARISES. CURRENTLY THE ONLY REASON FOR THE PRESENCE OF AN AGENT IS TO INSURE THAT HE DOES NOT TAKE ANY PAGES OUT OF THE VOLUMES. CONTAINING THE LOGS. END EX 103 JUN

Date of Mail	9/25/75	

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/20 BY 25 19/20 2-9-93 1048 DKM150 315820

Subject	JUNE MAIL	DAVID	DELLINGER

Removed By 7 9 0CT 7 1975

File Number 62-112989-339

Permanent Serial Charge Out

Assistant Attorney General August 26, 1975 Criminal Division chirector, FBI 62 - 112989 REC-30 DAVID DELLINGER, et al., v. 2 - Mr. Mintz CJOHN N. MITCHELL, et al. (D.D.C.) CIVIL ACTION NO. 1768-69

By memorandum dated August II, 1975, you furnished copies of plaintiffs' Third Set of Interrogatories Maddressed to Defendants as well as Rule 34 Requests Odirected to defendants and requested that information necessary for the preparation of the Government's response be made available to you prior to August 28, 1975.

Review of the Third Set of Interrogatories Addressed to Defendants fails to reveal that any of the items therein are directed to the FBI. Review of the Rule 34 Requests reveals that items 2c, 2d, 4c, 10, 12a, 13 and 14 are directed to the FBI.

2c. Memorandum dated January 27, 1971, from the Director, FBI, to the Assistant Attorney General, Internal Security Division, captioned "Intelligence Evaluation Committee," which memorandum is classified "Secret," does not appear to be relevant to the issues in this civil suit. Accordingly, we request that you resist discovery of this document.

Review of the FBI files reveals two memoranda dated February 3, 1971, from the Director, FBI, to the Assistant Attorney General, Internal Security Division, captioned "Intelligence Evaluation Committee." One document is classified "Confidential"; the second is classified "Secret." Neither document appears relevant to the issues in this civil action. Accordingly, we request that you resist discovery of both documents.

GML:ki

(See NOTE, Last Page

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MAIL ROOM [V

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Assoc, Dir.

Asst. Dir.: Admin. ... Comp. Syst. __ Ext. Affairs

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Dep. AD Inv. ___

Files & Com. __

TELETYPE UNIT

Assistant Attorney General Criminal Division

Ac. Review of appropriate FBI files fails to reveal a memorandum dated May 17, 1971, from the Director, FBI, to the Attorney General "the subject of which, or one of the subjects of which, was new procedures in requests for authorization of electronic surveillance in national security cases."

C. C. C.

- 10. The material requested herein was furnished to you by memorandum dated July 14, 1975, captioned "Morton II. Halperin, et al., v. Henry A. Kissinger, et al. (D.D.C.) Civil Action File No. 1187-73."
- 12a. No forms are used by this Bureau to respond to requests for disclosure of information concerning electronic surveillance of criminal defendants. As you are aware, requests of this nature come to us from the Department of Justice. This Bureau responds to the Department's request by memorandum, detailing the results of the electronic surveillance check.
- 13. On August 15, 1975, Mr. Smith of your office noted that plaintiffs have requested a substantial number of documents in this item and stated that the Department would obtain a delay concerning this matter. Documents requested herein will be furnished to you prior to October 1, 1975.
- 14. In this item, plaintiffs request the FBI Handbook for Special Agents. For your information, this Handbook is a summary of and contains citations to the FBI Manual of Rules and Regulations and the FBI Manual of Instructions. A copy of the FBI Handbook is issued to each Special Agent of the FBI, and its contents are to be held in confidence by our employees. Disclosure of this Handbook would reveal FBI techniques and procedures and

Assistant Attorney General Criminal Division

thus adversely affect our ability to function effectively, thereby causing substantial damage to the public interest. To require the FBI to produce this document would be "comparable to requiring one football team to give its 'play-book' to the opposing team before the game."

Cuneo v. Laird, 338 F. Supp. 504, 506 (D.D.C. 1974).

On the other hand, plaintiffs have failed to show any good cause for the production of this document; nor have they shown its relevancy to the issues in this civil action. Accordingly, we request that you resist discovery of this item.

NOTE: Based on Legal Counsel memorandum to Mr. J. B. Adams dated 8/19/75 and R. L. McCarthy to Mr. Cleveland memorandum dated 8/20/75. Responses to items 2c, 2d and 4c, Rule 34 Requests, were coordinated with T. H. Howard, Intelligence Division. On 8/21/75, Jonathan B. Smith, Departmental Attorney handling this civil action, advised that it would be unnecessary for this Bureau to furnish to the Department copies of documents requested by plaintiffs in items 2c, 2d and 4c, Rule 34 Requests.

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RE: W	DAVID DELLINGER ET AL vs. JOHN N. MITCHELL, (USDCD.C.) CIVIL ACTION # 1768-69		
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UPTIONAL FORM NO. 10 MAY 1962 EDITION GSA GEN, REG, NO. 27 RNMENT UNITED STATES GO Den. AD Adm Dep. AD Inv. MemorandumAsst. Dir. Comp. Syst. Ext. Affairs _ Mr. J. B. Adams Files & Com. Legal Counse Intell. Legal Coun. SUBJECT: DAVID DELLINGER, et al., v. JOHN N. MITCHELL, et al., U.S.D.C Telephone Rm. (D.D.C.) CIVIL ACTION NO. 1768-69 In this civil action, brought by organizational as well as individual plaintiffs, illegal wiretapping is alleged, and plaintiffs seek money damages. course of discovery, the Department produced copies of authorizations signed by the Attorney General, certain Departmental policy memoranda relating to national security electronic surveillances, Jand certain internal Bureau memoranda relating to the electronic surveillances of the W.E.B. DuBois Clubs of America the Black Panther Party (BPP), the White Panther Party, Students for a Democratic Society, Bayard Rustin, and Nathan Schwerner. On 9/12/75, Jonathan B. Smith, Departmental Attorney handling this case, advised the Department desires to serve interrogatories in this matter on plaintiff BPP as well as the following individual plaintiffs: David Dellinger, Jerry Clyde Rubin, Abbot H. Hoffman, Smith requested that the Bureau draft suggested interrogatories to direct to the above plaintiffs. The interrogatories should be written so that responses. will reveal information to justify the FBI's internal b7C security investigations on the above plaintiffs, i.e., information concerning foreign travel as well as unlawful goals and activities. - Mr. Wannall - Mr. Mintz GML/jcr CONTINUED - OVER **5** SEP 30 1975

CONFIDENTIAL

Memo to Mr. Adams

RE: DAVID DELLINGER, et al., v.

JOHN N. MITCHELL

(D.D.C.) CIVIL ACTION NO. 1768-69

RECOMMENDATION:

1. That the Intelligence Division furnish Legal Counsel Division factual information concerning the revolutionary goals and activities of the above listed plaintiffs.

2. That Legal Counsel Division draft appropriate interrogatories concerning the named plaintiffs and correspond with the Department.

WRWSOF



'emorandum

FROM

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Mr. J. B. Adams

(D.D.C.)

DATE: 8/19/75

Asst. Dir.: Comp. Syst." Ext. Affairs Files & Com.

Dep. AD Inv.

Intell.

Jiégal/Coun.

SUBJECT:

DAVID DELLINGER, et al., JOHN N. MITCHELL, et al.

Legal Counsel

CIVIL ACTION NO. 1768-69

ALL INFORMATION CONTAI HEREIN IS UNCLASSIFIED

DATE 1-4-82 BY apsigly 315820

In this civil action certain of the plaintiffs () were incidentally overheard as the result of national security electronic surveillances, and they seek money By memorandum dated 8/11/75, the Assistant Attorney General, Criminal Division, furnished copies of plaintiffs' Third Set of Interrogatories Addressed to Defendants as well as Rule 34 Requests directed to (Rule 34 of the Federal Rules of Civil Procedure defendants. pertains to Discovery and Production of Documents and Things for Inspection, Copying, or Photographing.) The Assistant Attorney General, Criminal Division, requested that information and documents contained in Bureau files necessary for the preparation of the Government's response be made available to the Department prior to 8/28/75.

Review of the Rule 34 Requests reveals that the following are requested from the FBI:

2.c. "Memorandum dated January 27, 1971 from the Director, Federal Bureau of Investigation, to the Assistant Attorney General, Internal Security Division, the subject of which, or one of the subjects of which, was the Intelligence Evaluation Committee."

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ENCLOSURE MP. Wannal] Part Tr

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum to Mr. J. B. Adams
Re: David Dellinger, et al., v.
John N. Mitchell, et al., etc.

- 2.d. "Memorandum dated February 3, 1971 from the Director, Federal Bureau of Investigation, to the Assistant Attorney General, Internal Security Division, the subject of which, or one of the subjects of which, was the Intelligence Evaluation Committee."
- 4.c. "Memorandum dated May 17, 1971 from the Director, Federal Bureau of Investigation, to Attorney General Mitchell, the subject of which, or one of the subjects of which, was new procedures in requests for authorization of electronic surveillance in national security cases."
- 10. "Manual or other material or memoranda describing the system employed by the F.B.I. for the indexing and retrieval of electronic surveillance data."
- 12.a. "Any and all forms used by the F.B.I. to respond to requests for disclosure of information concerning electronic surveillance of criminal defendants."
- 13. "With respect to each of the requests for authorization and/or reauthorization of warrantless electronic surveillance (emanating from the Director of the F.B.I. to the Attorney General) heretofore made available to the plaintiffs by earlier discovery in this case, copies of any and all memoranda or documents within the F.B.I. which preceded and/or which were the basis for the request of the Director of the F.B.I. to the Attorney General for such authorization or reauthorization."
- 14. "A training and/or operations manual entitled Handbook for Special Agents, pertaining, among other things, to the preparation of F.B.I. reports referred to by John A. Mintz in testimony of May 8, 1975."

Review of the Third Set of Interrogatories Addressed to Defendants fails to reveal that any of the items therein are directed to the FBI.

CONTINUED - OVER

- 2 -

Memorandum to Mr. J. B. Adams
Re: David Dellinger, et al., v.
John N. Mitchell, et al., etc.

The material requested in item 10 was furnished to the Assistant Attorney General, Criminal Division, by memorandum dated 7/14/75, as a result of a discovery request in a civil action titled Morton H.

Halperin, et al. v. Henry A. Kissinger, et al. (D.D.C.)

Civil Action No. 1187-73. Jonathan B. Smith, Departmental Attorney handling this civil action, has been informed that information responsive to item 10 was furnished to the Department via the above memorandum. The effort to obtain the FBI Handbook for Special Agents, requested in item 14, will be resisted; Legal Counsel Division will furnish to the Department reasons for objecting to production of the above.

On 8/15/75, Mr. Smith was informed that plaintiffs have requested a substantial number of documents in item 13, Rule 34 Requests, and that it will take a great deal of time and effort to locate these documents. Smith acknowledged that it would be unreasonable to require the Bureau to furnish the above within a short period of time and indicated that the Department would obtain a delay regarding this item. He requested that the Bureau furnish documents requested in item 13 no later than 10/1/75.

Mr. Smith requested that the Department be furnished two copies of each document now being requested by plaintiffs in this civil action. One copy should be a true, unexcised copy as it appears in Bureau files. The second copy should have deleted from it both administrative and privileged material. Concerning deletions in the documents, the Bureau should follow the guidelines developed by Departmental and Bureau officials on 1/30/75. One copy of Legal Counsel memorandum to Mr. J. B. Adams dated 2/10/75, wherein these guidelines are set forth, is attached.

Also attached is a list of authorizations for electronic surveillance that has been furnished to plaintiffs in this civil action. In addition, attached are three requests for authorization for electronic

Memorandum to Mr. J. B. Adams Ré: David Dellinger, et al., v. John N. Mitchell, et al., etc.

surveillance furnished to plaintiffs that were not approved (these are dated 5/13/68, 7/8/71, and 11/8/68) as well as a list of FD-142's and FD-143's (FBI documents which preceded and/or which were the basis for electronic surveillance requests) previously furnished to plaintiffs.

RECOMMENDATIONS:

That the Special Investigative Division, no later than 8/21/75, furnish information or documents responsive to item 12.a., Rule 34 Requests.

That the Intelligence Division, no later than 8/21/75, furnish appropriately excised documents responsive to items 2.c., 2.d., and 4.c.

That upon receipt of above, Legal Counsel Division correspond with the Department and furnish information or documents responsive to items 2.c., 2.d., 10) 12 a., and 14, Rule 34 Requests.

That the Intelligence Division, no later than 9/21/75, furnish appropriately excised documents responsive to item 13, except for FD-142's and FD-143's renorto co pi previously furnished to plaintiffs,

CONTINUED - OVER

Memorandum to Mr. J. B. Adams
Re: David Dellinger, et al., v.
John N. Mitchell, et al., etc.

5. That upon receipt of information from the Intelligence Division, Legal Counsel Division correspond with the Department.

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HEREIN IS UNCLASSIFIED

DATE 1/4/82 BY AUSTIA DE 1048 DE 104

FINCTOSTIBLE

Mr. J. B. Adams

Legal Counsel

ATTORNEY GENERAL, et al. (U.S.D.C., S.D. NEW YORK) 73 Civ 3160 TPG

SOCIALIST WORKERS PARTY, et al. VALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-4-83 BY gp 5 sigh

Plaintiffs, the Socialist Workers Party (SWP), its youth group the Young Socialist Alliance (YSA) and fifteen individual plaintiffs, filed 1820 captioned civil action during July, 1973, alleging that defendants, the FBI. and other Governmental agencies and officers, have denied them constituttional rights as a political party. They seek substantial damages as well as broad injunctive relief.

By letter dated 1/9/75, Paul J. Curran, U. S. Attorney, Southern District of New York, advised that on 1/7/75, the court in captioned civil action ordered us to produce "all files relating to everything gathered about the plaintiffs, including the results of surveillance conducted of the SWP or the YSA, and documents relating to the purpose of such surveillance."

By memorandum to Mr. J. B. Adams dated 1/23/75, Legal Counsel advised that as a result of contact with the Department, it would be necessary to release a number of Bureau documents concerning plaintiffs. including certain SWP Disruption Program documents. Legal Counsel Division then conferred with the Intelligence Division and made available guidelines for review of the SWP Disruption Program documents. Subsequent to the review by the Intelligence Division, Legal Counsel reviewed

1 - Mr. Adams 1 - Mr. Wannall 1 -236

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Memorandum to Mr. J. B. Adams
Re: Socialist Workers Party, et al. v.
Attorney General, et al., etc.

the material and suggested	nat because the court order was so broad
that additional documents w	uld be required. To resolve the scope of
discovery, a meeting was h	ld on $1/30/75$, in the office of Assistant
Director Mintz. Present w	re Mr. Mintz; Legal
Counsel Division; Edward C	ristenbury, Deputy Chief, and Robert L.
Keuch, Chief, Special Litig	tions Section, Criminal Division,
Department of Justice	<u> </u>
	of the Intelligence Division.

At this meeting it was agreed that it would be necessary to make available to plaintiffs all Bureau documents concerning the SWP Disruption Program except documents in the program pertaining to recommendations not implemented. Documents to be made available include preparatory or 'backup' documents which led up to the approval of a Disruption Program recommendation, documents setting forth Bureau authority to implement a recommendation, periodic documents reflecting FBIHQ or field office analyses of the Program. References in the documents should be retained, but privileged material in them may be deleted. Specifically, the following deletions may be made.

Excise the identities of informants.

Excise information which, if released, by its very nature, would tend to identify an informant.

Excise T symbols where, in our judgment, they would tend to identify a source.

Excise the identities of individuals who have furnished information under either an express or implied promise of confidentiality. This also would include any information which would tend to identify these individuals.

Excise information which would tend to expose a confidential investigative technique.

Excise information of an administrative nature. This would include information such as file numbers, Agents', Supervisors', and

Memorandum to Mr. J. B. Adams
Re: Socialist Workers Party, et al. v.
Attorney General, et al., etc.

Bureau officials' names and initials, markings such as indexing symbols, copy counts, serial numbers, block stamps, date stamps, names identifying recipients of tickler copies, and other such information.

Excise classified information. Determine what information is classified and excise that information. Information from foreign intelligence sources is usually classified. If not, it should be excised also, for there is implied confidentiality.

Excise classification markings when the classified information is excised.

Excise information from other Federal agencies, for any determination on the release of such information should be made by the agency involved. If necessary, the Bureau will subsequently refer any requests for such information to the interested agencies.

As indicated above, documents in the Disruption Program pertaining to recommendations not implemented need not be produced to plaintiffs. However, it was agreed that if these documents contain information, except a mere reference, concerning a recommendation that was approved, that information in the document, but only that information, must be made available. Of course, any privileged material in that information may be deleted.

RECOMMENDATION:

None; for information.

Requested Document Date Authorized tel/ File(s)

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A. 1103 East 63rd Street

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INDEX 4

FD-142's AND FD-143's (to Bureau recommending authorization, continuation or discontinuance of electronic surveillances).

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FD-23						



File Na

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

La Reply, Please Refer to WASHINGTON, D.C. 20535

Remaid by AG

May 13, 1968

memorandum for the attorney general

RE: JERRY CLYDE RUBIN

SECURITY MATTER - COMMUNIST

Jerry Clyde Rubin traveled to communist Cuba 1964 via Czechoslovakia in violation of a Government ban on travel to Cuba. Thereafter, he was the founder and served as cochairman of the Vietnam Day Committee, Berkeley, California, a vigorous sponsor of antiwar demonstrations and protest rallies between 1965 and 1967 in the San Francisco area. Demonstrations sponsored by this organization under the leadership of Rubin led to numerous arrests and injuries to demonstrators. Rubin, himself, was arrested in August, 1965, in a demonstration which virtually trapped General Maxwell D. Taylor in a hotel office.

Since this period, Rubin became the Project Director for the National Mobilization Committee to End the War in Vietnam in New York, New York. In this capacity, he-was the coordinator of demonstrations at the Pentagon and in Washington, D. C., October 20-22, 1967. These activities also led to violence and mass arrests, including the arrest of Rubin for refusing to move from a restricted area.

In January, 1968, he was the founder and is now employed as a staff member of the Youth International Party, New York, New York. This group was reportedly organized to promote a "festival of life" demonstration at the National Democratic Convention in Chicago in August, 1968.

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MEMORANDUM FOR THE ATTORNEY GENERAL

With little apparent effort or planning, this organization has already backed two impressive demonstrations. One of these, called a "yip-in," was held at Grand Central Station in New York City on a late Saturday night for the purpose of celebrating the coming of spring. Violence and mass arrests occurred and the demonstration developed antidraft and antiwar implications. This organization presently plans another demonstration for Macy's Department Store in New York City on June 8, 1968.

Rubin constitutes a danger to the national security as evidenced by revolutionary statements. On the occasion of a public speech June 26, 1965, he stated the following must be included as a part of the peace movement: "massive civil disobedience and picketing," "working in slum areas," "teach-ins against labor unions," and "we must consider treason—deliberate sabotage of the war machine." He ended the speech by stating members of the peace movement must be willing to "put their bodies on the line." Participating in a panel discussion on November 27, 1965, he said the power structure in the United States had to be changed and he wanted demonstrations and civil disobedience rather than liberal means.

Coverage of Rubin's activities at the headquarters of the Youth International Party has been established and efforts are currently being made to increase this coverage. It is to be noted that many of the Youth International Party followers are "hippie types" and such would normally include numerous students. It could reasonably be expected that many of Rubin's contacts and organizational efforts would be made at night from his residence telephone. For this reason, a telephone surveillance of his residence would afford vital information as to organizational plans and the identity of key organizers, which would not be otherwise obtained through coverage of his place of employment.

The history of this individual in the direction of demonstrations which lead to violence has been established. It is recognized that he is capable of creating, through such demonstrations, a major civil disturbance if complete coverage of his activities is not effected.

MEMORANDUM FOR THE ATTORNEY GENERAL

Accordingly, I recommend the installation of a telephone surveillance on the residence of Jerry Clyde Rubin at 13 East 3rd Street, New York, New York, or any address to which he may move in the future.

Very truly yours,

John Edgar Hoover
Director

Approved	
Date	

MEMORANDUM FOR THE ATTOMIEY GENERAL

RE: BLACK PAITHER PARTY
LOS ANGELLS, CALIFORNIA

The Black Panther Party in Los Angeles, California, is an active chapter of the national Black Panther Party headquartered in Berkeley, California. The Black Panther Party is the most active black extremist group in the United States today. Its leaders envision this organization as one which will unite black people in revolutionary action against the United States Covernment. They have also presched hate and violence and have openly advocated the use of firearms and guerrilla warfare for attainment of their goals.

In addition to the constant physical threat to lives and property represented by members of the Black Panther Party, there is increasing evidence that they represent a threat to the internal security of the United States inasmuch as they have publicly revealed their solidarity with Cuban and Chinese-communist revolutionaries. Numbers of the Black Panther Party have recently traveled to Cuba and it has been announced that such travel will increase in the future. An informant who recently returned from Cuba reported that Cuban intelligence agents with whom he was in contact exhibited a keen interest in the Black Panther Party.

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HERORANDUM FOR THE ATTORNEY GENERAL

The Black Panther Party in Los Angeles maintains its headquarters at 4115 South Central Avenue, Los Angeles, California. It is requested that authority be granted for a telephone surveillance at the headquarters at this address or at any other address to which the headquarters might move.

Very truly yours,

John Edgar Hoover Director

APPROVED			
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DATE			
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GSA GEN. REG. NO. 27 UNITED STATES GO

Memorandum

Mr. W. R. Wannall Whole

S. S. Mignosa 45/1/

FROM

SUBJECT:

DAVID DELLINGER, ET AL., V.ALLINTURWATION GUN (D.D.C.)

CIVIL ACTION NO. 1768-69

1 - Mr. J. A. Mintz 1 = Mr. W. R. Wannall

DATE: 9/23/75

1 -				
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1 -				
1 -	Mr. S.	S. Mi	gnosa	

Dep. AD Inv. Asst. Dir.: Comp. Byst. Ext. Affairs Files & Com. Legal Coun.

Assoc. Dir.

Dep. AD Adm.

HEREIN IS UNCLASSIFIED 2/9793 DATE 1-4-82 BY spring har loss & Emisc

Captioned matter is a civil suit in which individual and organizational plaintiffs seek money damages based on allegedly illegal electronic surveillance overhears and direct coverage.

Memorandum Legal Counsel to J. B. Adams dated 8/19/75 advised of the receipt of plaintiffs' interrogatories requiring the production of certain documents and requesting that such documents, appropriately excised, be furnished by the appropriate FBIHQ Divisions.

Some of the requested documents were previously furnished to Legal Counsél. The last aspect to be handled by the Intelligence Division, the response to item #4, page 4 of the above-mentioned memorandum, concerns the furnishing of documents which constitute the basis for the various requests for authorization and reauthorization, by the Attorney General, of pertinent electronic surveillances involved in this case. There are attached Xerox copies of 151 documents, along with single copies of the excised versions of those documents. as requested by Legal Counsel.

RECOMMENDATIONS:

That upon approval, attached documents be furnished to Legal Counsel. 15 OCT 21 1975

2. That a memorandum to file be prepared, listing the above documents by file and serial number and enclosing a file copy of the excised version of each.

me 10. Enclosures 4

62-112989

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DA 62/9

C29 62-112989-34

CONFIDENTIAL

Assistant Attorney General Criminal Division

October 10, 1975

Director, FBI

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DAVID OXILINGER, et al., v. FJOHN N. MITCHELL, et al. Q (D.D.C.)

By memorandum dated August 11, 1975, you furnished copies of plaintiffs' Third Set of Interrogatories Addressed to Defendants as well as Rule 34 Requests directed to defendants and requested that information and documents contained in Bureau files necessary for the preparation of the Government's response be furnished to the Department. By memorandum dated August 26, 1975, I furnished to you information concerning items directed to the FBI, except for documents requested in Item 13 of the Rule 34 Requests.

In Item 13, Rule 34 Requests, plaintiffs have requested, with respect to each authorization or reauthorization for warrantless electronic surveillance heretofore made available to plaintiffs, copies of all memoranda or documents which were the basis for the Director's request to the Attorney General for such authorizations or reauthorizations. On August 15, 1975, Jonathan B. Smith of your office noted that plaintiffs have requested a substantial number of documents in this Item and stated that the Department would obtain a delay concerning this matter. Mr. Smith requested that the Bureau furnish documents requested by plaintiffs in Item 13 no later than October 1, 1975. ALL INSTRUMENTAL MODITAL

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DATE OF REVIEW 10.75

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Dep. AD Inv. — DATE OF REVI

Telephone Rm.

Assoc. Dir. ____ Dep. AD Adm. _

CONFIDENTIAL (See NOTE, Page2.)

GPO: 1975 O - 569-920

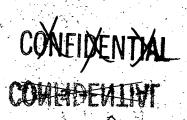


Assistant Attorney General Criminal Division

For your information, review of our files fails to reveal any documents which were the basis for the Director's request to the Attorney General for the electronic surveillances of the Black Panther Party, 3106 Shattuck Avenue, Berkeley, California, authorization dated March 28, 1969, or the W.E.B. DuBois Clubs of America, 5935 Grove Street, Oakland, California, authorization dated August 1, 1964. Review of our files further reveals that the document which was the basis for the Director's request to the Attorney General for the electronic surveillance of Students For A Democratic Society, 1103 East 63rd Street, Chicago, Illinois, authorization dated June 4, 1965, was destroyed on September 5, 1969. The file fails to reflect a reason for the destruction of this document.

Except for documents which were the basis for the above surveillances, two copies of each document requested by plaintiffs in Item 13 were furnished to Mr. Smith on September 29, 1975. One copy was a true, unexcised copy as it appears in Bureau files. The second copy had deleted from it administrative and privileged material.

NOTE: Based on Legal Counsel memorandum to Mr. J. B. Adams dated 8/19/75, S. S. Mignosa memorandum to Mr. W. R. Wannall dated 9/23/75, and information furnished orally on 9/23/75 by SA Intelligence Division, to SA Legal Counsel Division.



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lemorandum

TO

Director

Federal Bureau of Investigation

Attention: Office of Legal Counsel

DATE: August 11, 1975 RLT:RLK:ESC:JBSmith:mlh

FROM

CRichard L. Thornburgh

Assistant Attorney General

Criminal Division

David Dellinger, et al. v. John N. Mitchell, et al.

(D.D.C.) Civil Action No. 1768-69

Please find enclosed copies of plaintiffs' THIRD SET OF INTERROGATORIES ADDRESSED TO DEFENDANTS and Rule 34 REQUESTS, served upon this office by letter of July 29, 1975. The defendant's answer to these interrogatories and requests is due on August 28, 1975. Accordingly, it is requested that the information and documents contained in Bureau files necessary for the preparation of our response be made available to the Department in sufficient time that to allow filing of a response on that date. If disclosure of the requested information or documents is in your judgment objectionable, please so indicate in order that consideration may be given to interposing an

appropriate objection.

ALL INFORMATION CONTAINED HEREHUS UNG 62-112989-3 3 ENCLOSURE

-1-2 1975

62-112989

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FIVE

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

-DAVID T. DELLINGER, et al.,

Civil Action No. 1768-69

Plaintiffs.

V

RULE 34 REQUESTS

JOHN N. MITCHELL, et al.,

Defendants.

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Pursuant to the provisions of Rule 34 of the Federal Rules of Civil Procedure, plaintiffs request that the defendants produce and permit plaintiffs or someone acting on their behalf to inspect and copy the following:

- 1. The documents listed in the Third Set of Interrogatories 1 and 2. dated this date.
- 2. a) Memorandum dated December 4, 1970 from Assistant
 Attorney General Mardian to Attorney General Mitchell, the subject
 of which, or one of the subjects of which, was the Intelligence
 Evaluation Committee.
- b) Memorandum dated January 27, 1971 from Assistant Attorney General Mardian to Attorney General Mitcehll, the subject of which, or one of the subjects of which, was the Intelligence Evaluation Committee.
- (Federal Bureau of Investigation, to the Assistant Attorney General, Internal Security Division, the subject of which, or one of the subjects of which, was the Intelligence Evaluation Committee.
- d) Memorandum dated February 3, 1971 from the Director, Federal Bureau of Investigation, to the Assistant Attorney General,

62781

- e) Memorandum dated February 10, 1971 from Assistant Attorney General Mardian to George C. Moore, Benson Buffham, Thomas J. Kelley, Colonel John W. Downey, and Richard Ober, the subject of which, or one of the subjects of which, was the Intelligence Evaluation Committee.
- f) Memorandum dated April 26, 1971 from Assistant
 Attorney General Mardian to Attorney General Mitchell, the subject
 of which, or one of the subjects of which, was the Intelligence
 Evaluation Committee.
- g) All other memoranda to or from Assistant Attorney General Mardian the subject of which, or one of the subjects of which, was the Intelligence Evaluation Committee.
- 3. Memorandum from Assistant Attorney General Will Wilson to the Director, Federal Bureau of Investigation, dated April 16, 1969, and captioned, in part, "Electronic Surveillance etc., et al."
- 4. a) A memorandum dated March 10, 1971 from Assistant Attorney General Mardian to Attorney General Mitchell, the subject of which, or one of the subjects of which, was a proposal that requests for written authorization to conduct electronic surveillance in national security cases be routed through the Internal Security Division, Department of Justice.
- b) Memorandum dated March 22, 1971 from Attorney General Mitchell to Assistant Attorney General Mardian in reply to memorandum described in 4(a), supra.
- V c) Memorandum dated May 17, 1971 from the Director,
 Federal Bureau of Investigation, to Attorney General Mitchell,
 the subject of which, or one of the subjects of which, was new
 procedures in requests for authorization of electronic surveill-

the Department of Justice, the subject of which, or one of the subjects of which, was new procedures in requests for authorization of electronic surveillance in national security cases.

- e) Memorandum dated June 9, 1971 from Attorney General Mitchell to the Director, Federal Bureau of Investigation, the subject of which, or one of the subjects of which, was new procedures in requests for authorization of electronic surveillance in national security cases.
- f) Any and all attachments to the memoranda described in 4 (a) through (e), supra.
- 5. Study by Daniel McAuliffe and/or William Olson reviewing authorizations and re-authorizations for electronic surveillance projects.
- 6. Memorandum referred to by Robert L. Mardian in deposition of April 27 and 28, 1975 in Phoenix, Arizona, prepared by John David or any other person prior to May 6, 1969 and directed to either Attorney General Mitchell or the Director, Federal Bureau of Investigation, or both, containing recommendations concerning electronic surveillance, and speaking to the effect of the Omnibus Crime Control Act of 1968 thereon.
- 7. Manual referred to on page 2 of May 6, 1969 memorandum from Attorney General Mitchell to the Director, Federal Bureau of Investigation.
- 8. Form letter sent to various government agencies by the Department of Justice, either the Criminal Division or the Internal Security Division or any other division, requesting information concerning electronic surveillance of various

defendants often manuacte for displaying of electronic

- 9. Letters sent to various government agencies by the Internal Security Division or the Criminal Division, or both, requesting information concerning electronic surveillance in United States v. Dellinger, Cr. No. 69-180 (N.D. Ill.).
- V 10. Manual or other material or memoranda describing the system employed by the F.B.I. for the indexing and retrieval of electronic surveillance data. any basis for abjecting
- 11. Any and all background memoranda, minutes of meetings, records of discussions, and other material concerning the development of the electronic surveillance policy propounded in a memorandum dated May 6, 1969 from Attorney General Mitchell to the Director, Federal Bureau of Investigation, including copies of all preliminary drafts of the foregoing memorandum.
- 12. a) Any and all forms used by the F.B.I. to respond to requests for disclosure of information concerning electronic surveillance of criminal defendants. We may format
- b) Any and all forms used by federal offices and agencies other than the F.B.I. to respond to requests for disclosure of information concerning electronic surveillance of criminal defendants.
- c) Any and all responses from government offices and agencies to requests for disclosure of information concerning electronic surveillance in <u>United States v. Dellinger</u>, Cr. No. 69-180 (N.D. Ill.), decided February 20, 1970.
- 7 13. With respect to each of the requests for authorization and/or reauthorization of warrantless electronic surveillance (emanating from the Director of the F.B.I. to the Attorney

basis for the request of the Director of the F.B.I. to the Attorney General for such authorization or reauthorization.

14. A training and/or operations manual entitled <u>Handbook</u>

<u>for Special Agents</u>, pertaining, among other things, to the

preparation of F.B.I. reports referred to by John A. Mintz in

testimony of May 8, 1975.

Attorneys for Plaintiffs

B17 •

MORTON STAVIS
One of Counsel to
Plaintiffs

Margaret B. Thorupson

Dated: Newark, N. J. July 30, 1975.

744 Broad Street Newark, N. J. 07102 (201) 622-3789

Affidavit of Service

STATE OF NEW JERSEY)
COUNTY OF ESSEX) ss.

Margaret B. Thompson, of full age, being duly sworn according to law, upon her oath deposes and says: On July 31, 1975, I served the original of the foregoing Rule 34 Requests on Edward S. Christenbury, Esq., Civil Litigation Unit, Criminal Division, United States Department of Justice, Washington, D.C. 20530, by certified mail, return receipt requested.

Sworn to and subscribed before me this 31st day of July, 1975.

KAREN E. STEWART NOTARY PUBLIC OF NEW JERSEY My Commission Expires Feb. 11, 1976

UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Civil Action

Plaintiffs,

No. 1768-69

JOHN N. MITCHELL, et al.,

THIRD SET OF INTERROGATORIES
ADDRESSED TO DEFENDANTS

Defendants.

The plaintiffs request that the defendants answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the within Interrogatories, in the space provided; if such space is inadequate, please answer the Interrogatories on additional pages.

PLEASE TAKE NOTICE that a copy of such answers must be served upon the undersigned within the time prescribed by law.

1. Has the federal government agreed to indemnify or otherwise compensate defendant Mitchell, or the representatives of defendant Hoover, or both, if plaintiffs prevail on their damage claim? If such indemnity or compensation arrangements have been made, describe their terms and extent and the source of authority therefor. If there is a document setting forth such arrangement, please furnish a copy or submit such document for copying pursuant to Rule 34 F.R.C.P.

2. Did Attorney General Clark respond prior to January 20, 1969 to a memorandum dated July 2, 1968 from the Director, Federal Bureau of Investigation, to the Attorney General, the subject of which was the effect of the Omnibus Crime Control Act of 1968 upon electronic surveillance programs? If so, was such response oral, written, or both? If oral, please state the date or dates of such communication or communications, and the contents thereof. If written, please furnish a copy or submit such document to plaintiffs for copying pursuant to Rule 34, Fed. Rules of Civil Proc.

3. List all material submitted as in camera exhibits to courts in United States v. Dellinger, CR No. 69-180 (N. D. III., decided February 20, 1970), reversed 472 F. 2d 340 (7th Cir. 1972).

. 4. State the division or office of the Department of Justice in which a memorandum dated May 6, 1969 from Attorney General Mitchell to the Director, Federal Bureau of Investigation, marked Deponent 3, in Deposition of Robert Mardian, 4/28/75, originated. State also the names and titles of any and all individuals who participated in the preparation or drafting of the said memorandum; state whether such a document was the

- 5. Set forth as to each case in which the Department of Justice submitted for a court's in camera inspection, electronic surveillance relating to any of the plaintiffs herein:
 - (a) the name of such case, and the court where the same was pending;
 - (b) the date of submission;
 - (c) a list of all items included in such submission.

ATTORNEYS FOR PLAINTIFFS 5

By: Morton

MORTON STAVIS

One of Counsel to Plaintiffs

Dated: Newark, N.J.

— July 30, 1975.

Affidavit of Service

STATE OF NEW JERSEY) ss. COUNTY OF ESSEX

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Margaret B.

Sworn to and subscribed before me this 31st day of July, 1975.

Laren E. Stewart

UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs.

Civil Action

No. 1768-69

v.

JOHN N. MITCHELL, et al.,

THIRD SET OF INTERROGATORIES
ADDRESSED TO DEFENDANTS

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2. Did Attorney General Clark respond prior to January 20, 1969 to a memorandum dated July 2, 1968 from the Director, Federal Bureau of Investigation, to the Attorney General, the subject of which was the effect of the Omnibus Crime Control Act of 1968 upon electronic surveillance programs? If so, was such response oral, written, or both? If oral, please state the date or dates of such communication or communications, and the contents thereof. If written, please furnish a copy or submit such document to plaintiffs for copying pursuant to Rule 34, Fed. Rules of Civil Proc.

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subject of any conference or meeting and, if so, state the date and place

- 5. Set forth as to each case in which the Department of Justice submitted for a court's in camera inspection, electronic surveillance relating to any of the plaintiffs herein:
 - (a) the name of such case, and the court where the same was pending;
 - (b) the date of submission;
 - (c) a list of all items included in such submission.

ATTORNEYS FOR PLAINTIFFS

By: / Morton

MORTON STAVIS

Margaret & Thompson

One of Counsel to Plaintiffs

Dated: Newark, N.J. July 30, 1975.

Affidavit of Service

STATE OF NEW JERSEY) ss. COUNTY OF ESSEX)

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Sworn to and subscribed before me this 31st day of July, 1975.

Kain C. Stewart

TELETYPE

NITEL

APRIL 1, 1976

•	TO SAC SAN FRANCISCO (66-672 B)
L)	FROM DIRECTOR, FBI (62-112989) 1 - Mr. Leavitt 1 1 - Mr. Mintz
<i>p</i>	DAVID DELLINGER, ET AL. V. JOHN N. MITCHELL, ET AL.
	(U.S.D.C., D.C.) CIVIL ACTION FILE NO. 1768-69 2'-
	REBUAIRTEL DATED APRIL 16, 1975. M 314 b7C
	ON MARCH 31, 1976, SA OF YOUR OFFICE
ONTAINE	ADVISED THAT AND HAVE
25	REQUESTED ACCESS TO MATERIAL BEING PROVIDED TO PLAINTIFFS
S	In the course of discovery in this civil action and that
ATI	RECORDS OF YOUR OFFICE REVEAL THAT ONLY IS TO BE
	GIVEN ACCESS TO THE MATERIAL.
	ON MARCH 31, 1976, DEPARTMENTAL ATTORNEY, JONATHAN
	B. SMITH, ADVISED THAT HAS EXECUTED AN AFFIDAVIT
∢ I	IN ACCORDANCE WITH THE OCTOBER 24, 1974, COURT ORDER IN
لمس	THIS MATTER AND THAT SHE IS ALSO TO BE ALLOWED ACCESS TO THE MATERIAL IN QUESTION. $62 - 1/29 + 9 - 3$
Assoc. Dep. 4 Dep. 4 Asst. D	Adm - GML: bir
Comp. Ext. / Files Gen.	COMMUNICATIONS SECTION
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NITEL TO SAN FRANCISCO
RE: DAVID DELLINGER, et al., v.
JOHN N. MITCHELL, et al.
(U.S.D.C., D.C.) CIVIL ACTION
FILE NUMBER 1768-69

NOTE

In instant matter, a civil suit based on allegedly illegal electronic surveillance, plaintiffs have sought FBI records regarding pertinent coverage. In view of volume of such records it was recommended and approved that Department be furnished a schedule showing location and estimate of volume of material along with suggestion that such records be made available for inspection by plaintiffs' counsel at the individual field offices during regular working hours and upon reasonable notice to SAC. Department in turn so answered that part of the interrogatory and that procedure was in effect agreed to by plaintiffs. On 10/24/74, the Court entered an order in this civil action to modify its earlier protective order dated 2/26/74 to allow plaintiffs "to use commercial facilities and/or student or clerical personnel or other assistants to make copies and/or monitor the copying process and use student and clerical personnel to read and analyze all material being provided in the course of discovery, and to make reports thereon to [plaintiffs'] counsel of record. . . . " The order also specifies that "any such person obtaining access to the information... shall be informed of the Court's order [dated 2/26/74] and shall sign an affidavit: . . and indicate assurance of compliance to the order.

UNITED STATES GOVERNMENT

- Memorandum

Mr. J. B. Adams

DATE: 5/21/76

FROM

Legal Counsel

SUBJECT:

DAVID T. DELLINGER, et al., v.

JOHN N. MITCHELL, et al.

(U.S.D.C., D.C.)

CIVIL ACTION FILE NO. 1768-69

PURPOSE

To advise that in connection with captioned civil suit Departmental Attorney requires access to files to findividual plaintiffs to prepare for depositions 9-scheduled to begin in late June, 1976.

SYNOPSIS

Captioned civil suit was filed by plaintiffs seeking monetary damages based on alleged illegal electronic surveillance coverage of them in the past, as well as declaratory and injunctive relief against future coverage. On 5/21/76, Departmental Attorney John MSmith, Criminal Division, advised that he intends to Unotice depositions for individual plaintiffs beginning Late June, 1976, and that to prepare for these he will need all information relating to plaintiffs' Gactivities for the past ten years. Mr. Smith indicated that he believed direct access to the files to be the only feasible way to obtain the information he requires and Legal Counsel Division concurs.

CURRENT BUREAU POLICY

12-11298 Departmental Attorneys have been given direct access to FBI files in another civil action where such access was also necessary in order to properly protect the interests

(CONTINUED - OVER)

b6

2 - Mr. Leavitt

of this Bureau.

1 - Mr. Mintz

1 - Legal Research Unit

PGD:kim

Buy U.S.-Savings Bonds Regularly on the Payroll Savings Plan

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Legal Counsel Memorandum to Mr. J. B. Adams David T. Dellinger, et al., v. Re: John N. Mitchell, et al. Civil Action File No. 1768-69

RECOMMENDATION

That Departmental Attorney John Smith be afforded direct access to the files of the individual plaintiffs in captioned civil action for the purposes of assembling information required to prepare him to conduct depositions of plaintiffs. Such access will be afforded within FBI space by the Intelligence Division.

APPROVED: Assoc. Dir. MAC Dep. AD Adm.____/

RUN Dep. AD Inv Asst. Dir.: Adm. Serv.

Ext. Affairs..... Fin. & Pers.....

Gen. Inv.... Ident. Inspection Spec. Inv. Inteli. / Wb/JJ Training

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DETAILS

Captioned civil action was filed seeking damages for allegedly illegal electronic surveillance coverage of plaintiffs in the past and declaratory and injunctive relief barring such coverage in the future. The plaintiffs are the "Chicago 8" and four organizations including the Black Panther Party. Extensive discovery has taken place in this case, and in connection therewith the Department desires to begin depositions of plaintiffs. This will necessitate that the Departmental Attorney in charge of this matter, Mr. John Smith, Criminal Division, familiarize himself with the activities of individual plaintiffs and their public statements as a basis for conducting such depositions.

(CONTINUED - OVER)

Legal Counsel Memorandum
to Mr. J. B. Adams
Re: David T. Dellinger, et al., v.
John N. Mitchell, et al.
Civil Action File No. 1768-69

On 5/21/76, Mr. Smith stated that he would like to notice depositions for four of the individual plaintiffs for late June, 1976. These plaintiffs are Abbie Hoffman and Jerry Rubin. Mr. Smith advised that he was interested in reviewing both public source material and reports and letterhead memoranda which summarize the activities of these plaintiffs for the past ten years. indicated that upon such review he could then flag the particular items that he was interested in having copies of. He further indicated that he understood that when he had picked out various items of information as the basis for questioning that it might be necessary with regard to some of the items to converse with case Agents in various offices in order to insure that a particular line of inquiry would not tend to identify informants.

In view of the volume of material involved and the time frame as well as the fact that Mr. Smith will be out of town during the period June 6-19, 1976, it is believed that the only feasible method for such review is by the direct access that Mr. Smith requests. This would also preclude needless duplication of materials which may be of no use for his particular purposes. Mr. Smith indicated that he realized that he would be examining the materials within FBI space and stated that he would like to begin as soon as possible.

Fund results
furnished to Justian Smith,
-3Creva. Dev., on 6/4/76.

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1emorandum

:Director

DATE: 16 JUL 1976

Federal Bureau of Investigation Attention: Legal Counsel Division

:Richard L. Thornburgh

Assistant Attorney General

Criminal Division

SUBJECT: David Dellinger, et al. v. John N. Mitchell,

et al., (D.D.C.) Civil Action No. 1768-69

The above-entitled action was filed on behalf of nine organizations and eight individuals, alleging that each plaintiff was subjected to actionable electronic surveillance by the Bureau. We have recently been provided with answers to certain interrogatories served by us, from the Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League, and, on the basis of those answers, and affidavits from [Bureau personnel, we plan to move for summary judgment as to those three plaintiff associations.

By memorandum of February 8, 1973, captioned as above, the Department was informed that plaintiffs Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League have not been subjected to electronic surveillance by the Bureau. The following are lists of the addresses and telephone numbers of those organizations from 1965 to the present:

Southern Conference Educational Fund:

822 Perdido Street

EX- 108

Suite 408 New Orleans, Louisiana

(1965 to March, 1966)

REG-33 62-1129A

3210 West Broadway 40211 Louisville, Kentucky

502/778-3348 502/778-3349

3208 West Broadway 3. Louisville, Kentucky 40211 (1969 to 1974)

Catholic Peace Fellowship:

1. 5 Beekman Street New York, New York (1964 to 1968)

212/WO4-8367

HOOP

2.	339 Lafayette Str	reet 212/673-8990
	New York, New Yor	
	(1968 to present)	

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376 J.S. Savings Bonds Regularly on the Payroll Savings Plan

War Resisters League:

1.	5 Beekman Street New York, New York (1944 to May 1969)	212/CO7-4592 212/CO7-4593 212/CO7-4594
2.	339 Lafayette Street New York, New York (June 1969 to present)	212/228-0450 212/228-0451 212/228-0452

Based upon these lists, we request that a further elsur check of the three plaintiff organizations be conducted by the Bureau. In the event that such elsur checks are negative, we request the preparation of affidavits reflecting that fact in order that they might be filed in support of our motion for summary judgment.

The affidavits should indicate that searches have been undertaken of elsur files at Bureau Headquarters and at any field office located in the cities in which each plaintiff organization maintained or maintains an office. The addresses and phone numbers listed should also be contained in the affidavits.

The affidavits will be filed pursuant to Rule 44(b), Federal Rules of Civil Procedure. The Rule requires the affidavit to be executed by the custodian of the records searched, a statment that a "diligent search" has been undertaken, and a separate certificate, as provided by Rule 44(a)(1), that the affiant is in fact the custodian of the records in question.

Receipt of the affidavits is requested at your earliest convenience.

To: SACS, Louisville New Orleans New York

From: Director, FBI to and y

REC-33 DAVID DELLINGER, et al. v. JOHN N. MITCHELL, et al. (U.S.D.C., D.C.) CIVIL ACTION FILE NO. 1768-69

			29/76
1 -	Mr.	Walsh	
	(Attn	Walsh	
1 -			
1 -	Mr.	Mintz	<u> </u>
2-			

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Enclosed is one copy of Departmental memorandum regarding captioned civil action dated 7/16/76. Disregard paragraph 3, page 2 concerning Rule 44(b). Federal Rules of Civil Procedure. On 7/28/76, John Smith, Departmental Attorney, telephonically advised that he inadvertently failed to include on the Departmental memorandum additional pertinent information regarding plaintiff Catholic Peace Fellowship:

> 524 Upper Broadway Nyack, New York (1964 - present)

212/LO8-8200 914/EL8-4601

Louisville and New Orleans are requested to have a Special Agent conduct an ELSUR check concerning plaintiff Southern Conference Educational Fund. New York is requested to have a Special Agent conduct ELSUR checks concerning plaintiffs Catholic Peace Fellowship and War Resisters League. In the event these checks are negative, the Agents conducting the searches should prepare a notarized affidavit reflecting that fact. The addresses and telephone numbers listed in the Departmental memorandum as well as those furnished by Mr. Smith on 7/28/76, should be set forth in the affidavits. Enc.

NOTE: Based on Legal Counsel memorandum to Mr. gl. B. Analys. dated, 7/27/76.

soc. Dir.

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Dep. AD Adm. _ Dep. AD Inv. _

Asst. Dir.: Comp. Syst. _

Files & Com. __

Airtel to SAC, Louisville Re: David Dellinger, et al. v. John N. Mitchell, et al. Civil Action File No. 1788-69

Furnish the affidavits, or in the alternative, positive information to the Bureau, Attention: Legal Counsel Division, no later than 8/5/76. <u>Questions concerning this matter may be directed to</u> Special Agent Extension 4532, FBI Headquarters

> Laboratory_ Ext. Affairs_____ APPROVED: Lagal Count Fin. & Fers..... Assoc. Dir. _ Plan. & Evai Dep. AD Adm Gen. lov..... Rec. Meral..... ldent..... Dep. AD In Spec. liv..... Inspection..... Training..... Intell.... Adm. Serv.....

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Asst. Dir.:

Memorandum

TO

Mr. J. B. Adams

DATE: 7/27/76

315820

Assoc. Dir. Dep. AD Adm.

Dep. AD Inv. Asst. Dir.: Ext. Affairs

FROM

Legal Counsel

SUBJECT:

DAVID DELLINGER, et al. v.

JOHN N. MITCHELL, et al.

(U.S.D.C., D.C.)

CIVIL ACTION FILE NO. 1768-69

PURPOSE

HEREIN IS UNCLASSIF DATE 1-4-82 BY SPSLIP

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To advise that the Department has requested that Con-AME ELSUR checks be conducted concerning three organizational plaintiffs in this lawsuit.

SYNOPSIS

By memorandum dated 2/8/73, the Director informed the Department that plaintiffs Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League have not been electronically surveilled by this Bureau. These plaintiffs recently produced a list of their addresses and telephone numbers from 1965 to present. By attached memorandum dated 7/16/76, the Assistant Attorney General, Criminal Division, requested that further ELSUR checks be conducted regarding the above plaintiffs at FBI Headquarters and at any field office located in cities in which each plaintiff organization maintained or maintains an office. In the event such checks are negative, the Assistant Attorney General, requests the preparation of affidavits reflecting that fact. The FBI's Personnel Officer, however, will be required to submit an affidavit specifying that the individuals who conducted the ELSUR checks and submitted the affidavits are Special Agents of the FBI.

Enc.

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l - Mr. Walsh

(Attn:

l - Mr. Mintz

GML:kiw -

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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Legal Counsel Memorandum to Mr. J. B. Adams Re: David Dellinger, et al. v. John N. Mitchell, et al. Civil Action File No. 1768-69

RECOMMENDATIONS

- l. That INTD conduct ELSUR checks in accordance with the request by the Department and in the event such checks are negative, submit a notarized affidavit reflecting same.
- 2. That in the event ELSUR check affidavits are submitted, the FBI's Personnel Officer submit an affidavit specifying that affiants are Special Agents of this Bureau.
- 3. That upon receipt of above, Legal Counsel Division correspond with the Department.

		Legal Coun.		
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Legal Counsel Memorandum to Mr. J. B. Adams

R e: David Dellinger, et al. v.

John N. Mitchell, et al.

Civil Action File No. 1768-69

DETAILS

Captioned civil action was filed on behalf of nine organizations and eight individuals alleging illegal electronic surveillance. By memorandum dated 2/8/73, the Director informed the Department that plaintiffs Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League have not been electronically surveilled by this Bureau.

These organizational plaintiffs recently produced in discovery the following list of their addresses and telephone numbers from 1965 to present:

Southern Conference Educational Fund:

1. 822 Perdido Street Suite 408 New Orleans, Louisiana (1965 to March, 1966)

2. 3210 West Broadway 502/778-3348 Louisville, Kentucky 40211 502/778-3349

3. 3208 West Broadway
Louisville, Kentucky 40211
(1969 to 1974)

(CONTINUED - OVER)

Legal Counsel Memorandum to Mr. J.B. Adams

Re: David Dellinger, et al., v. John N. Mitchell, et al.

Civil Action File No. 1768-69

Catholic Peace Fellowship:

5. Beekman Street
 New York, New York
 (1964 to 1968)

2. 339 Lafayette Street 212/673-8990 New York, New York (1968 to present)

War Resisters League:

 1. 5 Beekman Street
 212/CO7-4592

 New York, New York
 212/CO7-4593

 (1944 to May, 1969)
 212/CO7-4594

2. 339 Lafayette Street 212/228-0450 New York, New York 212/228-0451 (June, 1969, to present) 212/228-0452

By attached memorandum dated 7/16/76, the Assistant Attorney General, Criminal Division, requested that further ELSUR checks be conducted by this Bureau. In the event such checks are negative, the Assistant Attorney General, Criminal Division, requests the preparation of affidavits reflecting that fact. The affidavits should specify that searches have been made of ELSUR files at FBI Headquarters and at any field offices located in the cities in which each plaintiff organization maintained or presently maintains an office. The addresses and telephone numbers listed above should also be contained in the affidavits.

(CONTINUED - OVER)

Legal Counsel Memorandum

to Mr. J.B. Adams

Re: David Dellinger, et al., v. John N. Mitchell, et al.

Civil Action File No. 1768-69

On 7/20/76, Jonathan B. Smith, Departmental Attorney handling this matter, advised we should ignore the information concerning Rule 44(b) in the second to last paragraph, page 2 of the Assistant Attorney General's memorandum dated 7/16/76. The FBI's Personnel Officer, however, will be required to submit an affidavit specifying that that individuals who submitted the ELSUR check affidavits are Special Agents of the FBI.

By airtel dated 7/29/76, Louisville, New Orleans and New York were requested to conduct ELSUR checks and to submit affidavits, if appropriate.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al. ?	
Plaintiffs,	
v.	Civil Action No. 1768-69
JOHN N. MITCHELL, et al.,	
Defendants.	ALL INFORMATIO: "C"!TAINED
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State of Louisiana)	29.93 WEST 1
	AFFIDAVIT 3/SK)

I, Clifford H. Anderson, after having been duly sworn, do hereby depose and state the following:

I am a Special Agent of the Federal Bureau of Investigation (FBI) and am currently assigned to the New Orleans, Louisiana, Field Office of the FBI.

On August 2, 1976, I made a careful and diligent search of the electronic surveillance indices maintained at the New Orleans, Louisiana, Field Office of the FBI, which include the following:

- (1) Index cards indicating the name of subjects of electronic surveillances and the date or dates such surveillances were maintained;
- (2) Index cards indicating the names of persons who while not subjects of a surveillance, were incidentally overheard on surveillance of another and the date or dates of such overhears.

Based upon my search; I determined that these indices contained no record of electronic surveillance of the following organization at the address listed:

Office of the VBI. If the Southern Conference Educational Fund had been the subject of an electronic surveillance conducted by this Agency in New Orleans, Louisiana, at the address listed, or at any other address within the jurisdiction of the New Orleans, Louisiana, Field Office, the name of that organization would have been contained in the indices.

Clafford H. Anderson Supervisory Special Agent Pederal Bureau of Investigation New Orleans, Louisiana

Subscribed and Sworn to before me this 4th day of August, 1976.

Mulalle J Orla

My commission expires as duth

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FOR THE DISTRI	CT OF COLUMBIA
DAVID DELLINGER, et al.,)	
) Plaintiffs,)	
v. }	Civil Action No. 1768-69
JOHN N. MITCHFLL, et al.,	
Defendants.)	ALL INFORMATION CONTAINED
City of Washington)) ss District of Columbia)	ATE 1/4/82 BY PSYABOLD DAVIT DAVIT 315820
S. Ray Burns, being duly s	
1) I am a Special Agent of t	the Federal Bureau of Investigation (FBI) and
presently assigned as Personnel O	fficer at FBI Headquarters, Washington, D. C
2) I hereby attest that Cliff	ford H. Anderson is a Special Agent of the
FBI currently assigned to the New	Orleans, Louisiana Field Office of the FBI.
3) I hereby attest that Edm	and V. Armento is a Special Agent of the FBI
currently assigned to the Louisvill	e, Kentucky Field Office of the FBI.
4) I hereby attest that Neil	F. Divers is a Special Agent of the FBI
currently assigned to the New York	k, New York Field Office of the FBI.
	S. RAY BURNS Special Agent Federal Bureau of Investigation Washington, D. C.
Subscribed and sworn to before me	this day of, 1976.
NOTARY PUBLIC	

My Commission expires